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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

REMOVAL FROM LISTING AND REGISTRATION OF MATURED, REDEEMED OR RETIRED SECURITIES

Purpose of amendment. On March 20, 1952, the Securities and Exchange Commission published notice that it had under consideration a proposal under the Securities Exchange Act of 1934 to amend § 240.12d2–2 (a) (Rule X-12D2–2 (a)) (which provides for the removal of matured, redeemed or retired securities from listing and registration on a national securities exchange) and to adopt Form 25 (§ 249.225) to be used by such exchanges as the notification of intention to remove such securities from listing and registration. The Commission has now considered the matter and adopted the proposed amendments and Form 25. The amendments were adopted to clarify the provisions of the rule; to prescribe the use of Form 25 as the form of notification of removal; and to expand the rule so as to provide for the removal of securities from listing and registration when funds for their redemption, retirement or payment have been deposited with the agency to make the payment, appropriate notice has been given, and the funds have been made available to security holders. Form 25 was adopted to simplify the preparation of the filing of the notice and to require that certain information be furnished in these situations.

Statutory basis. These amendments and Form 25 are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof, the Commission deeming such action necessary in the public interest, for the protection of investors, and for the execution of the functions vested in the Commission under the act.

§ 240.12d2–2 *Removal from listing and registration of matured, redeemed or retired securities.* (a) Within a reasonable time after a national securities exchange knows or is reliably informed that any of the following conditions exist with respect to a security listed and registered thereon, the exchange shall file with the Commission a notification on Form 25 (§ 249.225 of this chapter) of its intention to remove such security from listing and registration:

(1) The entire class of the security has been called for redemption, maturity or retirement; appropriate notice thereof has been given; funds sufficient for the payment of all such securities have been deposited with an agency authorized to make such payment; and such funds have been made available to security holders.

(2) The entire class of the security has been redeemed or paid at maturity or retirement.

(3) The instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor and represent no other right, except, if such be the fact, the right to receive an immediate cash payment (the right of dissenters to receive the appraised or fair value of their holdings shall not prevent the application of this provision.

(4) All rights pertaining to the entire class of the security have been extinguished; provided that where such an event occurs as the result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

Effective date of removal. If the conditions of this section are complied with, removal of a security from listing and registration pursuant to a notification on Form 25 (§ 249.225) shall become effective at the opening of business on such date as the exchange shall specify in said form: *Provided, however,* That such date shall be not less than 7 days following the date on which said form is mailed to the Commission for filing: *And provided further,* That in the event removal is being effected under paragraph (a) (3) of this section and the exchange has admitted or intends to admit a successor security to trading under the tem-

(Continued on p. 3623)

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FEDERAL REGISTER

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porary exemption provided for by Rule X-12A-5 (§ 240.12a-5), such date shall not be earlier than the date on which the successor security is removed from its exempt status.

The foregoing action of the Commission shall become effective May 26, 1952.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 16, 1952.

[F. R. Doc. 52-4600; Filed, Apr. 23, 1952; 8:46 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

NOTIFICATION OF REMOVAL FROM LISTING AND REGISTRATION OF MATURED, REDEEMED OR RETIRED SECURITIES

Purpose of Form 25. On March 20, 1952, the Securities and Exchange Commission published notice that it had under consideration a proposal under the Securities Exchange Act of 1934 to amend § 240.12d2-2 (a) (Rule X-12D2-2 (a)) (which provides for the removal of matured, redeemed or retired securities from listing and registration on a national securities exchange) and to adopt Form 25 to be used by such exchanges as the notification of intention to remove such securities from listing and registration. The Commission has now considered the matter and adopted the proposed amendments and Form 25. The amendments were adopted to clarify the provisions of the rule; to prescribe the use of Form 25 as the form of notification of removal; and to expand the rule so as to provide for the removal of securities from listing and registration when funds for their redemption, retirement or payment have been deposited with the agency to make the payment, appropriate notice has been given, and the funds have been made available to security holders. Form 25 was adopted to simplify the preparation of the filing of the notice and to require that certain information be furnished in these situations.

Statutory basis. These amendments and Form 25 are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof, the Commission deeming such action necessary in the public interest, for the protection of investors, and for the execution of the functions vested in the Commission under the act.

Text of Form 25. The text of § 249.225 is as set forth in copies thereof marked "Effective May 26, 1952".

The foregoing action of the Commission shall become effective May 26, 1952.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 16, 1952.

[F. R. Doc. 52-4601; Filed, Apr. 23, 1952; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52980]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REIMBURSEMENT OF COMPENSATION FOR REIMBURSABLE SERVICES OF CUSTOMS EMPLOYEES

The purpose of the following amendment is to change the method of computing hourly rates charged for services of a storekeeper or a customs employee temporarily assigned to act as a storekeeper at a bonded warehouse, for the services of a customs employee in preparing copies of records for parties in interest, and for services rendered by customs employees which are reimbursable pursuant to § 24.17, Customs Regulations of 1943 (19 CFR 24.17). The change in the method of computing such hourly rates is appropriate because of the change in leave provisions contained in Title II of Public Law 233, 82d Congress, 1st Session, approved October 30, 1951, effective January 6, 1952. Accordingly, the following changes are made in the Customs Regulations of 1943:

1. Section 19.5 (b), Customs Regulations of 1943 (19 CFR 19.5 (b)), as amended, is hereby further amended by deleting the first sentence and inserting in lieu thereof the following: "The charge to be made for the services of a storekeeper or a customs employee temporarily assigned to act as a storekeeper at a bonded warehouse on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to $\frac{1}{1704}$ of the annual rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under section 301 of the Federal Employees Pay Act of 1945, as amended."

(Secs. 301, 602, 604, 59 Stat. 298, as amended, 302, 303, as amended, secs. 602, 603, 63 Stat. 959, 965, as amended, secs. 555, 556, 624, 46 Stat. 743, 759; 5 U. S. C. 921, 942, 944, 1112, 1113, 19 U. S. C. 1555, 1556, 1624. Secs. 203, 204, Pub. Law 233, 82d Cong.)

2. Section 24.12 (b), Customs Regulations of 1943 (19 CFR 24.12 (b)), as amended, is hereby further amended by deleting the fourth sentence and inserting in lieu thereof the following: "The cost of such labor shall be computed in multiples of 1 minute based on an hourly rate computed in accordance with § 19.5

(b) of this chapter. There shall also be included in the cost of such labor any amount actually payable to the employee for services outside his basic 40-hour workweek.

(R. S. 161, 2654, 2635, as amended, sec. 624, 46 Stat. 759, R. S. 4383, as amended; 5 U. S. C. 22, 19 U. S. C. 58, 59, 1624, 46 U. S. C. 333)

Notice of the proposed issuance of the foregoing amendment of the customs regulations was published in the FEDERAL REGISTER on February 26, 1952 (17 F. R. 1688), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No representations have been received and the amendment set forth above has been adopted.

Inasmuch as the change in method of computation provided for by the amendment will reduce the amount to be reimbursed by the parties in interest and, therefore, will be beneficial to such parties, it is found under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) that delaying the effective date of the amendment would serve no good purpose. This amendment, therefore, shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: April 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4617; Filed, Apr. 23, 1952; 8:47 a. m.]

[T. D. 52979]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REIMBURSEMENT OF COMPENSATION AND EXPENSES FOR REIMBURSABLE SERVICES OF CUSTOMS EMPLOYEES

The purpose of the following amendment is to provide for reimbursement to the Government by the party in interest of the full compensation and expenses of a customs employee when he is assigned to supervise the destruction of merchandise pursuant to section 557 (c), Tariff Act of 1930, as amended (19 U. S. C. 1557 (c)), at a place where a customs employee is not regularly assigned. Accordingly, the following changes are made in the Customs Regulations of 1943:

Section 24.17 (a), Customs Regulations of 1943 (19 CFR 24.17 (a)), as amended, is hereby further amended by adding a new subparagraph (9) reading as follows:

(9) When a customs officer or employee is assigned to supervise the destruction of merchandise pursuant to section 557 (c), Tariff Act of 1930, as amended, at a place where a customs employee is not regularly assigned, the full compensation and expenses of such officer or employee shall be reimbused to the Government by the party in interest.

(R. S. 161, secs. 524, 557, 562, 46 Stat. 741, 744, 745, as amended, sec. 624, 46 Stat. 759, sec. 1, 24 Stat. 79, as amended; 5 U. S. C. 22, 19 U. S. C. 1524, 1557, 1562, 1624, 46 U. S. C. 331)

Notice of the proposed issuance of the foregoing amendment of the customs regulations was published in the FEDERAL REGISTER on February 26, 1952 (17 F. R. 1688), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No representations have been received and the amendment set forth above has been adopted and shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: April 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4616; Filed, Apr. 23, 1952; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 524—HONEY

SUBPART—HONEY EXPORT PROGRAM (1952 MARKETING SEASON)

Correction

In F. R. Doc. 52-4315, appearing at page 3397 of the issue for Thursday, April 17, 1952, the following changes should be made:

1. In § 524.270, the address for the Minneapolis office should read "Gamble-Skogmo Building" instead of "Camble-Skogmo Building."

2. In the form at the end of the document, the two lines in the upper right hand corner should read as follows:

Budget Bureau No. 40-R 2160.2.
Approval Expires June 30, 1953.

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF PROCESSED RAISINS; REVISION

On December 8, 1951 a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 12400) regarding a proposed revision of the United States Standards for Grades of Processed Raisins (7 CFR 52.608). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Processed Raisins are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951):

§ 52.608 *Processed raisins.* Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana, which have been properly stemmed, capstemmed, and cleaned.

(a) *Types (varieties) of processed raisins.* (1) Type I—Thompson Seedless.

(i) Unbleached (natural).

(ii) Sulfur Bleached and Golden Bleached.

(iii) Soda Dipped.

(2) Type II—Muscat.

(i) Seeded (seeds removed).

(ii) Unseeded (loose).

(iii) Soda Dipped Unseeded (Valencia).

(3) Type III—Sultana.

(b) *Sizes of Thompson Seedless Raisins.* The sizes of Thompson Seedless Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(1) "Select" size raisins means that not less than 35 percent, by weight, but not more than 85 percent, by weight, of all the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter, but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{20}/_{64}$ inch in diameter.

(2) "Small" (or "Midget") size raisins means that all of the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{20}/_{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture which does not meet the requirements of "Select" size.

(c) *Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.* The color of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(1) "Well-bleached color" (or "Extra Fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than 1 percent, by weight, of all the raisins may be definitely dark berries.

(2) "Reasonably well-bleached color" (or "Fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the raisins may be definitely dark berries.

(3) "Fairly well-bleached color" (or "Extra Choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(4) "Bleached color" (or "Choice color") means that the raisins may be generally dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Bleached; and that the color may also lack uniformity.

(5) "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

(d) *Grades of Thompson Seedless Raisins.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 1 piece of stem per 16 ounces of raisins may be present;

(ii) Not more than 15 capstems per 16 ounces of raisins may be present;

(iii) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 2 percent, by weight, of raisins may be damaged;

(v) Not more than 5 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 2 pieces of stem per 16 ounces of raisins may be present;

(ii) Not more than 25 capstems per 16 ounces of raisins may be present;

(iii) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 3 percent, by weight, of raisins may be damaged;

(v) Not more than 10 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 4 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of raisins may be present;

(ii) Not more than 35 capstems per 16 ounces of raisins may be present;

(iii) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 5 percent, by weight, of raisins may be damaged;

(v) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 2 percent, by weight, of raisins may be affected by decay.

(4) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements (see Table I of this paragraph) of U. S. Grade C or U. S. Standard: *Provided*, That:

(i) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard	Substandard
	Maximum count (per 16 ounces)			
Pieces of stem	1	2	3	No limit.
Capstems	15	25	35	
	Maximum (by weight) (percent)			
Poorly developed, blowovers	1	2	3	No limit.
Damaged	2	3	5	Do.
Visibly sugared	5	10	15	Do.
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material.	3	4	5	Do.
	but not more than			
Decay	1	1	2	

(e) *Sizes of Muscat Raisins.* The sizes of Muscat Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(1) *Seeded.* (i) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $^{34}/_{64}$ inch in diameter; and the balance will pass through round perforations $^{34}/_{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{22}/_{64}$ inch in diameter.

(ii) "Small" (or "Midget") size raisins means that all of the raisins will pass through round perforations $^{34}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{22}/_{64}$ inch in diameter.

(iii) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "Select" size.

(2) *Unseeded.* (i) "4 Crown" means raisins that will not pass through round perforations $^{42}/_{64}$ inch in diameter.

(ii) "3 Crown" means raisins that will pass through round perforations $^{42}/_{64}$ inch in diameter but will not pass through round perforations $^{34}/_{64}$ inch in diameter.

(iii) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter.

(iv) "1 Crown" means raisins that will pass through round perforations $^{24}/_{64}$ inch in diameter.

(f) *Grades of Muscat Raisins.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that in Soda Dipped Unseeded (Valencia) raisins possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries; that possess a good flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that

Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this paragraph):

(i) Not more than 1 piece of stem per 16 ounces of raisins may be present;

(ii) Not more than 10 capstems per 16 ounces of raisins may be present;

(iii) Not more than 12 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(iv) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(v) Not more than 3 percent, by weight, of raisins may be damaged;

(vi) Not more than 5 percent, by weight, of raisins may be visibly sugared; and

(vii) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that in Soda Dipped Unseeded (Valencia) raisins possess a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this paragraph):

(i) Not more than 2 stems per 16 ounces of raisins may be present;

(ii) Not more than 15 capstems per 16 ounces of raisins may be present;

(iii) Not more than 15 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(iv) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(v) Not more than 4 percent, by weight, of raisins may be damaged;

(vi) Not more than 10 percent, by weight, of raisins may be visibly sugared; and

(vii) Not more than 4 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that in Soda Dipped Unseeded (Valencia) raisins possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this paragraph):

(i) Not more than 3 stems per 16 ounces of raisins may be present;

(ii) Not more than 20 capstems per 16 ounces of raisins may be present;

(iii) Not more than 20 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(iv) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(v) Not more than 5 percent, by weight, of raisins may be damaged;

(vi) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(vii) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 2 percent, by weight, of raisins may be affected by decay.

(4) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements (see Table II of this paragraph) of U. S. Grade C or U. S. Standard: *Provided*, That:

(i) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

TABLE II—MAXIMUMS ALLOWABLE FOR DEFECTS IN MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard	Substandard
	Maximum count (per 16 ounces)			
Pieces of stem	1	2	3	
Capstems	10	15	20	No limit.
Seeds (seeded type)	12	15	20	Do.
	Maximum (by weight) (percent)			
Poorly developed, blowovers	1	2	3	No limit.
Damaged	3	4	5	Do.
Visibly sugared	5	10	15	Do.
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material	3	4	5	5.
	but not more than			
Decay	1	1	2	

(g) *Sizes of Sultana Raisins.* Size designations are not applicable to Sultana Raisins.

(h) *Grades of Sultana Raisins.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table III of this paragraph):

(i) Not more than 1 stem per 16 ounces of raisins may be present;

(ii) Not more than 25 capstems per 16 ounces of raisins may be present;

(iii) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 2 percent, by weight, of raisins may be damaged;

(v) Not more than 5 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material; *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table III of this paragraph):

(i) Not more than 2 pieces of stem per 16 ounces of raisins may be present;

(ii) Not more than 45 capstems per 16 ounces of raisins may be present;

(iii) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 3 percent, by weight, of raisins may be damaged;

(v) Not more than 10 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 4 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of raisins may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table III of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of raisins may be present;

(ii) Not more than 65 capstems per 16 ounces of raisins may be present;

(iii) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than 5 percent, by weight, of raisins may be damaged;

(v) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(a) Not more than 2 percent, by weight, may be affected by decay.

(4) "Substandard" is the quality of Sultana Raisins that fail to meet the requirements (see Table III of this paragraph) of U. S. Grade C or U. S. Standard: *Provided*, That:

(i) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

TABLE III—MAXIMUMS ALLOWABLE FOR DEFECTS IN SULTANA RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard	Substandard
	Maximum count (per 16 ounces)			
Pieces of stem	1	2	3	
Capstems	25	45	65	No limit.
	Maximum (by weight) (percent)			
Poorly developed, blowovers	1	2	3	No limit.
Damaged	2	3	5	Do.
Visibly sugared	5	10	15	Do.
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material.	3	4	5	5.
	but not more than			
Decay	1	1	2	

(i) *Explanation of terms.* (1) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the raisins to the branches of the bunch.

(2) A "piece of stem" means a portion of the branch or main stem.

(3) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(4) "Poorly developed, blowovers" refers to berries that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(5) "Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(6) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the raisin or on the surface which is readily apparent.

(7) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(8) "Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(j) *Work sheet for processed raisins.*

Size of case or package				
Markings				
Label or brand				
Net weight				
Type				
Size or sizes				
Moisture content				
	A	B	C	S Std
Flavor				
Defects	Maximum (per 16 ounces)			
Pieces of stem (all types)	1	2	3	
Capstems:				
Thompson Seedless	15	25	35	(1)
Muscat	10	15	20	(1)
Sultana	25	45	65	(1)
Seeds in Muscat Seeded only	12	15	20	(1)
	Maximum (by weight) (percent)			
Poorly developed, blowovers (all types)	1	2	3	(1)
Damaged:				
Thompson Seedless and Sultana	2	3	5	(1)
Muscat	3	4	5	(1)
Visibly sugared (all types)	5	10	15	(1)
Mold, decay, fermentation, insect infestation, imbedded dirt, foreign material (all types)	3	4	5	5
	but not more than			
Decay (all types)	1	1	2	

Color	Maximum by weight (percent)
Thompson Seedless	
Sulfur Bleached and Golden Bleached:	
Well-bleached (or Fcy)	1
Reasonably well-bleached (Fancy)	2
Fairly well-bleached (Ex Choice)	6 Definitely dark berries.
Sulfur Bleached:	
Bleached (Choice)	15
Golden Bleached:	
Bleached (Choice)	20
Muscat	
Soda Dipped Unseeded:	
Grade A	10 Dark reddish brown berries.
Grade B	15
Grade C	20
Grade	

[1] No limit.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Processed Raisins (which is the third issue) contained in this section will become effective thirty (30) days after the date of publication in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Processed Raisins (7 CFR 52.608) which have been in effect since October 15, 1946.

(60 Stat. 1087, Pub. Law 135, 82d Cong.; 7 U. S. C. 1621)

Issued at Washington, D. C., this 18th day of April 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-4611; Filed, Apr. 23, 1952; 8:52 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Notices of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof; and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 70) were published on January 3, 1952 and March 21, 1952, in the FEDERAL REGISTER (17 F. R. 89; 2432). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951).

The amendment prohibits the grade labeling of individual carcasses of dressed poultry after June 30, 1953; permits under certain conditions the grading and inspection of dressed poultry produced in Canadian registered poultry dressing stations; makes minor changes in the class names of turkeys and in the standards for quality of poultry; modifies certain provisions in the sanitary requirements; and makes minor changes in several other sections of the regulations to more clearly set forth the intent of those sections.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices,

the amendment hereinafter set forth is promulgated to become effective upon publication in the FEDERAL REGISTER.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to postpone the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER for the reasons that (1) some of the provisions of this amendment are less restrictive and will result in lower processing costs to the industry, (2) some of the changes included herein where made in order to effect greater coordination between these regulations and the Federal Specifications used in Armed Forces procurement and a delay in the effective date would not be in the best interest of the defense food procurement program, and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change the title of the regulations to read as set forth above.

2. Change paragraphs (p) through (qq) and add a new paragraph (rr) in § 70.1 *Definitions*, to read as follows:

(p) "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector or grader during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance and if not more than an occasional pinfeather is in evidence (other than on the breast) during a more careful examination of the carcass.

(q) "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

(r) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(s) "Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing, the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to an official plant, the act whereby a grader determines that the products in such plant are processed, handled, and packaged in accordance with § 70.39; and (4) any regrading or any appeal grading of a previously graded product.

(t) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(u) "Identify" means to apply official identification to products or the containers thereof.

(v) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(w) "Inspection", "inspection service", or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of dressed poultry, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the terms "inspection" and "inspection service" shall each mean any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition of dressed poultry as it applies to the processing, handling or packaging of such product, or (2) any antemortem examination of poultry.

(x) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(y) "Inspector" means any person who is licensed by the Secretary to investigate and certify in accordance with the regulations in this part, the condition and wholesomeness of products or the condition of dressed poultry. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(z) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(aa) "National supervisor" means (1) the officer in charge of the poultry inspection service of the Administration, (2) the officer in charge of the poultry grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection and grading service of the Administration.

(bb) "Office of grading" means the office of any grader.

(cc) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was inspected or graded or both. The class, quality or condition of such product as determined by a grader may be indicated in the "official identification".

(dd) "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have ben approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(ee) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(ff) "Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

(gg) "Poultry" means any kind of domesticated bird, including, but not being limited to chickens, turkeys, ducks, geese, pigeons, and guineas.

(hh) "Poultry food product" means any article of human food or any article intended for or capable of being so used which is prepared or derived in whole or in substantial part, from any edible portion of dressed poultry.

(ii) "Poultry grading and inspection service" means the personnel who are actively engaged in the administration, application, and direction of poultry grading and inspection programs and services pursuant to the regulations in this part.

(jj) "Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry by-product; (4) poultry food product; and (5) with respect to grading service only, live poultry.

(kk) "Quality" means the inherent properties of any product which determines its relative degree of excellence.

(ll) "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be) head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry prepared as described in this paragraph.

(mm) "Regional supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical area.

(nn) "Regulations" means the provisions of this entire part and such United States classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(oo) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated, the authority to act in his stead.

(pp) "Soundness" means freedom from external evidence of any disease or condition which may render a carcass unfit for food.

(qq) "State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor of poultry inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

(rr) "Station supervisor" means any authorized individual who is designated

to supervise the poultry grading service or the poultry inspection service in a large official plant or in a group of several smaller plants.

3. Change § 70.3 *Grading and inspection services available,* to read as follows:

§ 70.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of service; and any one or more of the different services, applicable to official plants, may be rendered in an official plant:

(a) *Grading of live poultry.*

(b) *Certification of dressed poultry produced under sanitary requirements in official plants.*

(c) *Grading of dressed poultry.* (1) In an official plant.

(2) At terminal markets and other receiving points.

(d) *Inspection of dressed poultry in official plants for processing as ready-to-cook poultry.*

(e) *Grading of ready-to-cook poultry.* (1) In an official plant.

(2) At terminal markets and other receiving points.

(f) *Inspection service in official canning plants.*

4. Change paragraph (b) in § 70.4 *Basis of service,* to read as follows:

(b) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

5. Change paragraphs (e), (f) and (g) and add a new paragraph (h) in § 70.4 *Basis of service,* to read as follows:

(e) *Dressed poultry to be eligible for grading or inspection service shall have been processed in official plants.* Except as otherwise provided herein, only dressed poultry which was processed in an official plant in accordance with the regulations in this part, and dressed poultry which was processed in Canadian registered poultry dressing stations operated in accordance with such methods and procedures as are acceptable to the Administrator, may be graded or inspected in an official plant. Squabs and domesticated game birds (including, but not being limited to, quail, grouse, pheasants, and wild ducks and geese) which were not dressed in an official plant may be brought into an official plant for grading or inspection. In order to facilitate distribution thereof, dressed poultry from other than official plants may be brought into an official plant only in instances where the Administration can determine that such dressed poultry will be adequately segregated and its form and identity maintained until it is shipped from the official plant.

(f) *Inspection in official plants; extent required.* All dressed poultry that is eviscerated in an official plant where inspection service is maintained shall be processed in a sanitary manner; and no uninspected edible products or uninspected slaughtered rabbits may be brought into such plant. Dressed poultry may be eviscerated in such plant without inspection for condition and wholesomeness, but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate and effective segregation of inspected and uninspected products is maintained, and an inspector or a governmentally employed grader is on duty, at all times when plant operations are carried on, for the purpose of (1) effecting adequate segregation of the inspected and uninspected product; (2) control of official inspection marks and grade marks, and (3) supervision of sanitation in the official plant.

(g) *Certification of dressed poultry produced under sanitary requirements.* With respect to any official plant, dressed poultry, as such, may be certified by a grader as having been processed, handled and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. However, in official plants which have available the services of an inspector who is authorized to inspect for condition and wholesomeness, such inspector is also authorized to certify dressed poultry, as such, as having been processed, handled, and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. Appropriate grading or inspection processing reports shall be issued with respect thereto as required by the regulations in this part. The bulk containers of such dressed poultry which has been certified as aforesaid, if to be officially identified, shall be marked for identification purposes as provided in § 70.11 (e). All of the poultry that is processed in such official plant as dressed poultry, shall be prepared in accordance with the regulations in this part and under the supervision of a grader or inspector.

(h) *Examination of ready-to-cook poultry which was not processed in official plants.* When approved by the Administrator, ready-to-cook poultry which was not processed in an official plant may be examined by a grader or inspector at terminal markets and other receiving points to determine (1) the type and condition of the containers of such poultry, (2) whether or not such poultry is in a frozen or fresh state, (3) the extent of visible damage in instances where the product has been subjected to rough and improper handling, and (4) the class and quantity of the product involved. Such poultry shall not be officially identified as a graded or inspected product.

6. Change subparagraph (3) in paragraph (e) in § 70.6 *Applying for grading service or inspection service,* to read as follows:

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings, and the regulations in this part. The plant may be approved by the Administrator only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

7. Change paragraph (i) in § 70.6 *Applying for grading service or inspection service,* to read as follows:

(i) *Suspension of plant approval.* Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this part.

During such period of suspension inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

8. Change § 70.8 *Interfering with a grader or inspector,* to read as follows:

§ 70.8 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, bribery, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his duties.

9. Change paragraphs (a) and (b) in § 70.11 *Identifying and marking products,* to read as follows:

(a) *Approval of official identification.* Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or

packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly on the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(b) *Products that may be individually grade marked; information required on grade mark.* (1) Only ready-to-cook poultry of A, B, or C quality and dressed poultry of A or B quality may be individually identified with a grade mark. However, after June 30, 1953, only ready-to-cook poultry may be so identified.

(2) Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade of the product it identifies, and shall indicate the class or whether the bird is "young," or "mature" or "old," and shall include one of the following phrases: "Federal-State graded," "Government graded" or any other similar phrase approved by the Administrator. Such grade mark shall be contained within the outline of a shield of such design as may be approved by the Administrator.

10. Change paragraph (c) and add a new paragraph (d) in § 70.12 *Supervision of marking and packaging*, to read as follows:

(c) *Removal of official identification.* Official plants which receive dressed poultry or ready-to-cook poultry in containers which bear any official identification shall remove or deface such official identification upon removal of such poultry from the containers.

(d) *Packaging.* No container which bears or may bear an inspection mark or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

11. Change § 70.23 *Condemnation and treatment of carcasses*, to read as follows:

§ 70.23 *Condemnation and treatment of carcasses.* At the time of evisceration under inspection service each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

12. Change § 70.33 *Dressed poultry and ready-to-cook poultry*, to read as follows:

§ 70.33 *Dressed poultry and ready-to-cook poultry*—(a) *In an official plant.* Grading service performed in an official plant with respect to dressed poultry or ready-to-cook poultry shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook poultry which has been inspected and certified pursuant to the regulations in this part or which has been inspected and passed by any other inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook poultry which has been graded on an individual carcass basis may be individually identified with the approriate grade mark, and any container of such ready-to-cook poultry may also be so identified. The grading of ready-to-cook poultry shall be performed prior to the disjointing or cutting up of the carcass.

(3) After June 30, 1953, only the bulk containers of dressed poultry may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets or other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant may be identified with a grade mark. Except as otherwise provided for in institutional contract specifications pursuant to § 70.4 (b), only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.12 (b) (2) may be graded. The grade mark shall not be applied to uninspected ready-to-cook poultry.

13. Change paragraph (a) (1) (ii) in § 70.39 *Minimum standards for sanitation, facilities, and operating procedures in official plants*, to read as follows:

(ii) Outside doors, except in receiving rooms and feeding rooms, shall be so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

14. Change paragraph (f) (5) in § 70.39, to read as follows:

(5) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the adequacy of such facilities:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1]3
56 to 80, inclusive	[1]4
For each additional 30 persons in excess of 80	[1]1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

15. Change paragraphs (m) (7) and (m) (8) in § 70.39, to read as follows:

(7) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(8) *Thawing.* When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats, or racks) shall be provided, including continuously running tap water of sufficient volume for thawing such poultry. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be prescribed or approved by the Administrator. If water is heated it shall not be heated above 70° F. Thawing tanks shall be equipped with properly installed overflow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size as will enable employees to remove poultry without getting inside the tanks.

16. Change paragraph (n) (4) in § 70.39, to read as follows:

(4) In finishing and cleaning dressed poultry, the carcass shall be singed, feed shall be removed from the crop, and the fecal material in the cloaca shall be removed by venting, and such operations shall be completed prior to or during the final washing but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be eviscerated in an official plant wthin 72 hours from time of slaughter may, when approved by the Administration, be transferred by conveyor or operational type container or other approved means to such official plant prior to removal of the feed in the crop.

17. Add a new subparagraph (16) and change subparagraphs (14) and (15) in paragraph (n) in § 70.39, to read as follows:

(14) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during normal distribution.

(15) Refuse may be moved directly to loading docks only for prompt removal.

(16) Cleanliness and hygiene of personnel: (i) All employees coming in contact with dressed poultry, exposed edible products, or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(ii) Hands of employees handling dressed poultry or edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(iii) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(iv) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

18. Change paragraph (o) in § 70.39, to read as follows:

(o) *Temperatures and procedures which are necessary for cooling and freezing poultry shall be in accordance with sound operating practices which insure the prompt removal of the animal heat and as will maximize the preservation of the quality and condition of the poultry.* (1) All dressed poultry and ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after processing. Such poultry shall be cooled to an internal temperature of 40° F. or less, within 24 hours from the time of slaughter. If such poultry is to be shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40° F. or less prior to shipment from the plant. However, when approved by the Administration, poultry may be shipped from the plant prior to cooling to 40° F. or less, if such poultry is shipped to and placed in a freezer promptly.

(2) *Ice chilling.* (i) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(ii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Dressed poultry carcasses weighing less than 8 pounds should be chilled to 40° F. or below in less than 4 hours whereas carcasses weighing more than 8 pounds should be chilled to 40° F. or below in less than 8 hours. In order to facilitate continuous processing operations dressed poultry may be held overnight in chilling tanks provided it is processed and packaged at the resumption of operations the following morning. If such poultry is to be held in chilling tanks for longer periods it shall be properly repacked with crushed ice in clean tanks which are continually drained and during this holding period the internal temperature of the dressed poultry shall be maintained at or below 40° F.

(3) *Air chilling.* In air chilling, dressed poultry shall be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movements and a temperature which will reduce the internal temperature of the carcass to 40° F. or less, within 24 hours.

(4) *Freezing.* (i) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions, are −10° F. with circulated air and −20° F. with still air; however, freezing temperatures of −20° F. to −40° F. are desirable.)

(ii) Frozen dressed poultry should be stored at 0° F. or below, with temperature maintained as constant as possible.

(5) Immediately after packaging, all dressed poultry and ready-to-cook poultry other than that which is ice-packed or shipped from the plant in a refrigerated carrier should be moved into the freezer. If such poultry is to be held in the plant for longer than 24 hours it should be held at not above 36° F.

(6) When poultry is packed in ice in barrels or other containers the barrels and containers shall be covered and shall have an adequate number of drain holes to permit water to drain out.

(7) The provisions of subparagraphs (2) and (4) of this paragraph shall be applicable to ready-to-cook poultry.

19. Change the heading of Subpart B, to read as follows: Subpart B—United States Classes, Standards, and Grades for Poultry.

20. Change the title and the provisions of § 70.101, to read as follows:

§ 70.101 *United States classes of live poultry, dressed poultry, and ready-to-cook poultry.* The provisions of this section apply to live poultry, dressed poultry, and individual carcasses of ready-to-cook poultry, in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

21. Change paragraph (b) in § 70.101, to read as follows:

(b) *Turkeys.* For the purpose of this section, the following classes of turkeys are specified:

(1) *Fryer or roaster.* A fryer or roaster is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(2) *Young hen turkey.* A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster.

(3) *Young tom turkey.* A young tom turkey is a young male turkey (usually under 8 months of age), that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster.

(4) *Hen turkey.* A hen turkey is a fully matured female turkey (usually over 10 months of age) that is less tender-meated than a young hen turkey, has a hardened breastbone, and may have coarse-textured skin and patchy areas of surface fat.

(5) *Tom turkey.* A tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

22. Change subparagraph (2) in paragraph (c) in § 70.101, to read as follows:

(2) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

23. Change the title of § 70.102 and paragraph (a) (1) in § 70.102, to read as follows:

§ 70.102 *United States standards for quality of live poultry*—(a) *General.* (1) The United States standards for quality of individual live birds contained in this section are applicable only to poultry of the kinds and classes set forth in § 70.101.

24. Change the title of § 70.103 and the provisions of paragraph (a) in § 70.103, to read as follows:

§ 70.103 *United States grades for live poultry*—(a) *General.* (1) The United States grades for live poultry contained in this section are applicable to live poultry of the kinds and classes set forth in § 70.101 and are based upon United States standards for quality as set forth in § 70.102.

(2) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the grade designations specified in this section.

(3) All terms in the United States standards for quality, as set forth in § 70.102, shall, when used in this section, have the same meaning as when used in the standards.

25. Change the title of paragraph (b) in § 70.103, to read as follows:

(b) *Grades.*

26. Change the title of § 70.104 and paragraph (a) (1) in § 70.104, to read as follows:

§ 70.104 *United States standards for quality of dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States standards for quality contained in this section are applicable to individual carcasses of dressed poultry and ready-to-cook poultry of the kinds and classes set forth in § 70.101.

27. Change paragraph (a) (6) in § 70.104, to read as follows:

(6) In interpreting the respective requirements specified in this section for A quality, B quality, and C quality, the intensity, aggregate area involved and locations of (i) discolorations (whether or not caused by dressing operations), (ii) bruises, (iii) pinfeathers, and (iv) freezer burn, as such defects individually, or in combination, detract from the general appearance of the carcass, will be considered in determining the particular quality of an individual carcass.

28. Change subparagraphs (1) (iii) and (iv) in § 70.104 (b) *Standards for quality*, to read as follows:

(iii) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers, and young

tom turkeys may have only a moderate amount of fat covering these parts, a turkey fryer or roaster may be somewhat lacking in fat covering, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(iv) Is practically free from pinfeathers and vestigial feathers, especially on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers and vestigial feathers, especially on the breast.

29. Change subparagraph (2) (iv) in § 70.104 (b) *Standards for quality*, to read as follows:

(iv) Has not more than a slight scattering of pinfeathers and vestigial feathers over the entire carcass with only relatively few on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, but may have not more than a few scattered nonprotruding pinfeathers and vestigial feathers.

30. Change subparagraph (3) (iv) in § 70.104 (b) *Standards for quality*, to read as follows:

(iv) Have numerous pinfeathers and vestigial feathers scattered over the entire carcass, if the carcass is dressed poultry; if ready-to-cook poultry, the carcass is free from protruding pinfeathers but may have a few vestigial feathers and may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

31. Change the title of § 70.105 and paragraph (a) in § 70.105, to read as follows:

§ 70.105 *United States grades for dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes set forth in § 70.101 when individual carcasses are not separately identified and are based upon the United States standards for quality set forth in § 70.104 except the provisions in paragraph (a) (3) of that section.

(2) When any lot of dressed poultry is graded on the basis of an examination of each carcass in a representative sample thereof, any carcass that would be of A Quality, if it did not possess any of the following conditions shall, for the purpose of this section, be considered as being of B Quality: Dirty or bloody head or carcass, dirty feet or vent, fan feathers or neck feathers or garter feathers, or feed in the crop. Any carcass that would be of B Quality or C Quality if it did not possess any of the foregoing conditions shall, for the purpose of this section, be considered as being of C Quality.

(3) All terms in the United States standards for quality set forth in § 70.104 shall, when used in this section, have the same meaning as when used in the standards.

(4) The suggested weight specifications for dressed poultry and ready-to-cook poultry contained in paragraph (c) of this section are not incorporated in the grades for dressed poultry and ready-to-cook poultry since weight, as such, is not a factor of grade for the purpose of this section. It is recommended, however, that each container of dressed poultry and ready-to-cook poultry contain carcasses of the weights specified in paragraph (c) of this section.

32. Change the title of paragraph (b) in § 70.105, to read as follows:

(b) *Grades.*

33. Change paragraphs (a) and (d) in § 70.201 *Forms of official identification*, to read as follows:

(a) *Form of grade mark.* The grade mark approved for use, pursuant to § 70.11 (b), on a graded product shall be contained within a shield of the form and design indicated in the example in Figure 1 of this section. The information (including the form and arrangement of its wording) which is required in such mark shall be: (1) The class of the product or whether the product is "young," or "mature" (or "old"); (2) the phrase "ready-to-cook"; (3) its U. S. grade, and (4) one of the following phrases: "Federal-State graded," "Government graded," or any other similar phrase which may be approved by the Administrator. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may also be included within such shield. However, the grade mark for ready-to-cook poultry may be used only when the product is identified as having been inspected by Federal inspectors or by inspectors of any other inspection system acceptable to the Administrator. The grade mark illustrated in Figure 1 of this section may, until July 1, 1953, be used to officially identify graded dressed poultry; *Provided*, That the word "dressed" is used in lieu of the words "ready-to-cook" and the other applicable information required in this paragraph is contained within the grade mark.

Example of Grade Mark for Ready-to-Cook Poultry

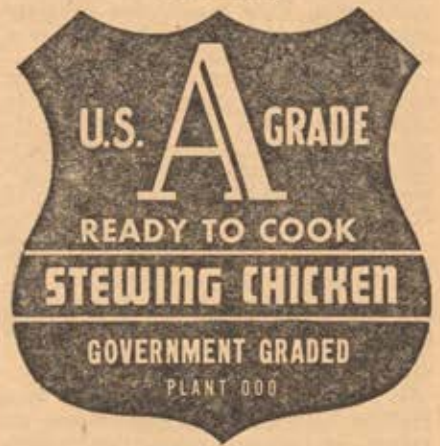

FIGURE 1.

(d) *Identification of certain dressed poultry.* With respect to dressed poultry which has been graded or inspected for condition only, the form of identification approved for use shall contain the wording "Dressed Poultry Processed Under USDA Sanitary Standards—Not USDA Graded for Quality or USDA Inspected for Wholesomeness". All labels with such identification shall set forth the applicable plant number and shall be marked with a lot number which shall be the number of the day of the year on which the poultry was slaughtered. This identification shall be printed on the label and shall not be applied by means of a stencil or a rubber stamp. A rubber stamp may be used to insert the plant number and the lot number within the official mark provided such numbers are applied legibly. The required wording shall be set forth in the manner indicated in Figure 4 of this section and within a rectangle of the form and design illustrated.

Example

DRESSED POULTRY
PROCESSED UNDER U. S. D. A. SANITARY STANDARDS
Not USDA Graded for Quality or USDA Inspected for Wholesomeness
Plant No. 000. Lot 000

FIGURE 4.

(60 Stat. 1087, Pub. Law 135, 82d Cong.; 7 U. S. C. 1621)

Issued at Washington, D. C., this 18th day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-4612; Filed, Apr. 23, 1952; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 146; 16 F. R. 3647, 10847; 17 F. R. 150, 2600) are amended as indicated below.

1. Section 141.9 is amended to read as follows:

§ 141.9 *Penicillin tablets*—(a) *Potency*—(1) *Tablets that do not contain*

dibenzylethylenediamine dipenicillin G. Proceed as directed in § 141.1, except paragraph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample as follows: Place 12 tablets in a mortar and add approximately 20 milliliters of 1-percent phosphate buffer at *pH* 6.0. Disintegrate the tablets by grinding with a pestle. Transfer with the aid of small portions of the buffer solution to a 500-milliliter volumetric flask and make to 500 milliliters by adding sufficient phosphate buffer. Make the proper estimated dilutions in 1-percent phosphate buffer at *pH* 6.0. The sample may also be prepared as follows: Place 12 tablets in a blending jar and add thereto approximately 200 milliliters of a 500-milliliter quantity of 1-percent phosphate buffer at *pH* 6.0. After blending for 1 minute with a high-speed blender add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer at *pH* 6.0.

(2) *Tablets that contain dibenzylethylenediamine dipenicillin G.* Proceed as directed in § 141.1, except paragraph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample as follows: Place 6 tablets in a 200-milliliter volumetric flask and add approximately 40 milliliters of dimethyl formamide. Shake well and allow to stand for 1 hour. Shake and dilute to volume of 200 milliliters with 1-percent phosphate buffer at *pH* 6.0. Make the proper estimated dilutions in additional 1-percent phosphate buffer at *pH* 6.0.

The average potency of penicillin tablets is satisfactory if they contain not less than 85 percent of the number of units per tablet that they are represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a) if it does not contain dibenzylethylenediamine dipenicillin G, in which case proceed as directed in § 141.26 (e).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2a. Section 146.27 (a) is amended to read as follows:

§ 146.27 *Penicillin tablets*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, dibenzylethylenediamine dipenicillin G, or procaine penicillin, with or without one or more suitable sulfonamides or probenecid and with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is "unscored." Its moisture content is not more than 1.0 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O, or more than 2.0 percent if it contains procaine penicillin, or more than 8.0 percent if it contains dibenzylethylenediamine dipenicillin G. The sodium penicillin, calcium penicillin, crystalline penicillin O, or potassium penicillin used conforms to the requirements of § 146.24 (a), except subparagraphs (1), (2), and (4) of that paragraph, but the potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of that paragraph. The dibenzylethylenediamine dipenicillin G used conforms to the requirements of § 146.68 (a), except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Section 146.27 (c) (1) (vi) is amended by inserting the words "dibenzylethylenediamine dipenicillin G," between the words "procaine penicillin," and "or crystalline penicillin O," wherever they appear.

c. Section 146.27 (d) (2) (ii) is amended by inserting the words "the dibenzylethylenediamine dipenicillin G content if it is dibenzylethylenediamine dipenicillin G," between the words "if it is procaine penicillin G," and "and the penicillin O content,".

d. Section 146.27 (d) (3) (ii) is amended to read:

(ii) The penicillin used in making the batch, six packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin or dibenzylethylenediamine dipenicillin G, and not less than 300 milligrams if it is procaine penicillin or dibenzylethylenediamine dipenicillin G, packaged in accordance with the requirements of §§ 146.24 (b), 146.44 (b), or 146.68 (b).

3. In § 146.71 *Penicillin-streptomycin dental cones* * * * paragraph (a) (1) is amended by changing the figure "75" to read "25".

4. Section 146.404 (c) (2) is amended to read:

§ 146.404 *Bacitracin troches.* * * *

(c) * * *

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such troches. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such troches by practitioners licensed by law to administer such drug will be sent to such practitioner upon request.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Those parts of this order which provide for the use of dibenzylethylenediamine dipenicillin G in the manufacture of penicillin tablets and for a change in the potency requirement of penicillin-streptomycin dental cones and penicillin-dihydrostreptomycin dental cones from 75 milligrams to 25 milligrams shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

That part of this order which provides for the deletion of the requirement that the labels for bacitracin troches bear the prescription legend and substitution therefor of the requirement that its labeling bear adequate directions for use, shall become effective 180 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since those parts which provide for the use of dibenzylethylenediamine dipenicillin G in the manufacture of penicillin tablets and a change in the potency requirement of penicillin-streptomycin dental cones and penicillin-dihydrostreptomycin dental cones from 75 milligrams to 25 milligrams, were drawn in collaboration with interested members of the affected industry, and since that part of this order which provides for the deletion of the requirement that labels for bacitracin troches bear the prescription legend and substitution therefor of adequate directions for use is based upon data submitted by a member of the affected industry and upon a review of the scientific literature by the technical divisions of the Food and Drug Administration which showed the drug to be safe and efficacious for certain conditions that can be determined by the laity and which raised no questions indicating a need for public proceedings to develop further facts.

Dated: April 18, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-4619; Filed, Apr. 23, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5897]

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—IRELAND

Release of excess tax withheld, and exemption from, or reduction in rate of, withholding under sections 143 and 144 of the Internal Revenue Code in the case of residents of Ireland and of foreign corporations managed and controlled in Ireland, as affected by the reciprocal income tax convention between the United States and the Republic of Ireland proclaimed by the President of the United States on December 24, 1951.

Sec.

Sec.
7.1010 Refund of excess tax withheld during 1951.

AUTHORITY: §§ 7.1000 to 7.1010 issued under 53 Stat. 32; 26 U. S. C. 62.

§ 7.1000 *Introductory.* (a) The income tax convention between the United States and the Republic of Ireland, signed September 13, 1949, proclaimed by the President of the United States on December 24, 1951, and effective (as respects the United States tax) for taxable years beginning on or after January 1, 1951, hereinafter referred to as the convention, provides in part as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America: The Federal income taxes, including surtaxes (hereinafter referred to as United States tax).

(b) In Ireland: The income tax (including surtax) and the corporation profits tax (hereinafter referred to as Irish tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires—

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Ireland" means the Republic of Ireland and the term "Irish" has a corresponding meaning.

(c) The terms "territory of one of the Contracting Parties" and "territory of the other Contracting Party" mean the United States or Ireland as the context requires.

(d) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(e) The term "Irish corporation" means any kind of juridical person created under the laws of Ireland.

(f) The terms "corporation of one Contracting Party" and "corporation of the other Contracting Party" mean a United States corporation or an Irish corporation as the context requires.

(g) The term "resident of Ireland" means any person (other than a citizen of the United States or a United States corporation) who is resident in Ireland for the purposes of Irish tax and not resident in the United States for the purposes of United States tax. A corporation is to be regarded as resident in Ireland if its business is managed and controlled in Ireland.

(h) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in Ireland for the purposes of Irish tax, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not resident in Ireland for the purposes of Irish tax.

(i) The term "Irish enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of Ireland.

(j) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United States.

(k) The terms "enterprise of one of the Contracting Parties" and "enterprise of the other Contracting Party" mean a United States enterprise or an Irish enterprise, as the context requires.

(l) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting Parties means a branch, management, factory or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the Contracting Parties shall not be deemed to have a permanent establishment in the territory of the other Contracting Party merely because it carries on business dealings in the territory of such other Contracting Party through a bona fide commission agent or broker acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting Parties maintains in the territory of the other Contracting Party a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one Contracting Party has a subsidiary corporation which is a corporation of the other Contracting Party or which is engaged in trade or business in the territory of such other Contracting Party (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(2) For the purposes of Article VI, VII, VIII, IX and XIV a resident of Ireland shall not be deemed to be engaged in trade or business in the United States in any taxable year unless such resident has a permanent establishment situated therein in such taxable year. The same principle shall be applied, mutatis mutandis, by Ireland in the case of a resident of the United States.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

* * * * *

ARTICLE VI

(1) The rate of United States tax on dividends derived from a United States corporation by a resident of Ireland who is subject to Irish tax on such dividends and not engaged in trade or business in the United States shall not exceed 15 per cent: provided that such rate of tax shall not exceed five per cent if such resident is a corporation controlling, directly or indirectly, at least 95 per cent of the entire voting power in the corporation paying the dividend, and not more than 25 per cent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five per cent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) Dividends derived from sources within Ireland by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such dividends, and (c) not engaged in trade or business in Ireland, shall be exempt from Irish surtax.

(3) Either of the Contracting Parties may terminate this Article by giving written notice of termination to the other Contracting Party, through diplomatic channels, on or before the thirtieth day of June in any calendar year after the calendar year in which the exchange of the instruments of ratification takes place and in such event paragraph (1) hereof shall cease to be effective as to United States tax on and after the first day of January, and paragraph (2) hereof shall cease to be effective as to Irish tax on and after the 6th day of April, in the calendar year next following that in which such notice is given.

ARTICLE VII

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within the United States by a resident of Ireland who is subject to Irish tax on such interest and not engaged in trade or business in the United States, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a corporation resident in Ireland controlling, directly or indirectly, more than 50 per cent of the entire voting power in the paying corporation.

(2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within Ireland by a resident of the United States who is subject to United States tax on such interest and not engaged in trade or business in Ireland, shall be exempt from Irish tax; but such exemption shall not apply to such interest paid by a corporation resident in Ireland to a United States corporation controlling, directly or indirectly, more than 50 per cent of the entire voting power in the paying corporation.

ARTICLE VIII

(1) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property, and derived from sources within the United States by a resident of Ireland who is subject to Irish tax on such royalties or other amounts and not engaged in trade or business in the United States, shall be exempt from United States tax.

(2) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trademarks, and other like property, and derived from sources within Ireland by a resident of the United States who is subject to United States tax on such royalties or other amounts and not engaged in trade or business in Ireland shall be exempt from Irish tax.

(3) For the purposes of this Article, the term "royalties" shall be deemed to include rentals in respect of motion picture films.

ARTICLE IX

(1) The rate of United States tax on royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and on rentals from real property or from an interest in such property, derived from sources within the United States by a resident of Ireland who is subject to Irish tax with respect to such royalties or rentals and not engaged in trade or business in the United States, shall not exceed 15 per cent: provided that any such resident may elect for any taxable year to be subject to United States tax as if such resident were engaged in trade or business in the United States.

(2) Royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and rentals from real property or from an interest in such property, derived from sources within Ireland by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such royalties and rentals, and (c) not engaged in trade or business in Ireland, shall be exempt from Irish surtax.

ARTICLE X

(1) Any salary, wage, similar remuneration, or pension, paid by the Government of the United States to an individual (other than a citizen of Ireland who is not also a citizen of the United States) in respect of services rendered to the United States in the discharge of governmental functions, shall be exempt from Irish tax.

(2) Any salary, wage, similar remuneration, or pension, paid by the Government of Ireland to an individual (other than a citizen of the United States who is not also a citizen of Ireland) in respect of services rendered to Ireland in the discharge of governmental functions, shall be exempt from United States tax.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

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ARTICLE XII

(1) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United States by an individual who is a resident of Ireland shall be exempt from United States tax.

(2) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within Ireland by an individual who is a resident of the United States shall be exempt from Irish tax.

(3) The term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

* * * * *

ARTICLE XV

(1) Dividends and interest paid, on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place, by an Irish corporation shall be exempt from United States tax except where the recipient is a citizen of or a resident in the United States or a United States corporation.

(2) Dividends and interest paid, on or after the 6th day of April of the first year of assessment specified in Article XXII (2) (b) (i) of this Convention, by a United States corporation shall be exempt from Irish tax except where the recipient is a resident of Ireland.

* * * * *

ARTICLE XX

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative and, in the case of Ireland, the Revenue Commissioners or their authorised representative.

* * * * *

ARTICLE XXII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington, District of Columbia, as soon as possible.

(2) Upon exchange of ratifications, the present Convention shall have effect—

(a) as respects United States tax, for the taxable years beginning on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place:

(b) (i) as respects Irish income tax, for the year of assessment beginning on the 6th day of April in the calendar year in which the exchange of instruments of ratification takes place and subsequent years; (ii) as respects Irish surtax, for the year of assessment beginning on the 6th day of April immediately preceding the calendar year in which the exchange of instruments of ratification takes place, and subsequent years; and (iii) as respects Irish corporation profits tax, for any chargeable accounting period beginning on or after the first day of April in the calendar year in which the exchange of instruments of ratification takes place, and for the unexpired portion of any chargeable accounting period current at that date.

ARTICLE XXIII

(1) The present Convention shall continue in effect indefinitely but either of the Contracting Parties may, on or before the 30th day of June in any calendar year following the calendar year in which the exchange of instruments of ratification takes place, give to the other Contracting Party, through diplomatic channels, notice of termination and, in such event, the present Convention shall cease to be effective—

(a) as respects United States tax, for the taxable years beginning on or after the first day of January in the calendar year next following that in which such notice is given;

(b) (i) as respects Irish income tax, for any year of assessment beginning on or after the 6th day of April in the calendar year next following that in which such notice is given; (ii) as respects Irish surtax, for any year of assessment beginning on or after the 6th day of April in the calendar year in which such notice is given; and (iii) as respects Irish corporation profits tax, for any chargeable accounting period beginning on or after the first day of April in the calendar year next following that in which such notice is given and for the unexpired portion of any chargeable accounting period current at that date.

(2) The termination of the present Convention or of any Article thereof shall not have the effect of reviving any treaty or arrangement abrogated by the present Convention or by treaties previously concluded between the Contracting Parties.

(b) As used in this subpart, unless the context otherwise requires, the terms defined in the above articles of the convention shall have the meanings so assigned to them.

§ 7.1001 *Dividends*—(a) *General.* (1) Under Article VI of the convention the rate of tax imposed with respect to dividends by section 211 (a) of the Internal Revenue Code (relating to nonresident alien individuals not engaged in trade or business within the United States) and by section 231 (a) of the Internal Revenue Code (relating to foreign corporations not engaged in trade or business within the United States) is reduced to 15 percent in the case of dividends derived from a United States corporation and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in Ireland for the purposes of Irish tax, or by a foreign corporation (whether or not created or organized in or under the laws of Ireland) whose business is managed and controlled in Ireland, if such alien or corporation is subject to Irish tax on such dividends and at no time during the taxable year had a permanent establishment within the United States. As to what is a United States corporation, see Article II (1) (d) of the convention.

(2) Thus, if a nonresident alien who is resident in Ireland for the purposes of Irish tax performs personal services within the United States during the taxable year, has at no time during such year a permanent establishment within the United States, and is subject to Irish tax on a dividend derived by him in such year from a United States corporation, he is entitled to the reduced rate of tax with respect to such dividend, as provided in Article VI of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(3) The fact that the payee of the dividend is not required to pay Irish tax on such dividend because of the application of reliefs or exemptions under Irish revenue laws does not prevent the application of the reduction in rate of United States tax with respect to such dividend. If the dividend would have been subject to Irish tax had the payee thereof derived an income large enough to require payment of tax then liability to Irish tax exists for the purpose of the reduction in rate of United States tax. As to what constitutes a permanent establishment, see Article II (1) (l) of the convention.

(4) In the case of dividends paid on or after January 1, 1951, by an Irish corporation, as defined in Article II (1) (e) of the convention, no withholding of United States tax is required. See Article XV (1) of the convention.

(b) *Dividends paid by a United States subsidiary corporation.* (1) Under the proviso of Article VI (1) of the convention dividends derived from a domestic corporation by a foreign corporation whose business is managed and controlled in Ireland and which controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the entire voting power in such domestic corporation are, when received in taxable years beginning on or after January 1, 1951, subject to tax at the rate of only 5 percent, if (i) not more than 25 percent of the gross income of such paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest paid to such domestic corporation by its own subsidiary corporations, if any), (ii) the relationship between such domestic corporation and such foreign corporation has not been arranged or maintained primarily with the intention of securing such reduced rate of 5 percent, (iii) such foreign cor-

poration is subject to Irish tax on such dividends, and (iv) such foreign corporation at no time during the taxable year had a permanent establishment within the United States.

(2) Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it on or after January 1, 1951, are subject only to the 5 percent rate shall file the following information with the Commissioner of Internal Revenue as soon as practicable: (i) The date and place of its organization; (ii) the location of the management and control of the foreign corporation to which the dividends are paid or to be paid; (iii) the number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof; (iv) the person or persons beneficially owning such stock of the domestic corporation and their relationship to such foreign corporation; (v) the amount of gross income by years of the domestic corporation for the three-year period immediately preceding the taxable year in which the dividend is paid; (vi) the amount of interest and dividends by years included in the gross income of the domestic corporation, and the amount of interest and dividends by years received by such corporation from its subsidiary corporations, if any; and (vii) the relationship between the domestic corporation and the foreign corporation to which it pays the dividend.

(3) As soon as practicable after such information is filed, the Commissioner of Internal Revenue will determine whether the dividends concerned fall within the scope of the proviso of Article VI (1) of the convention and may authorize the release of excess tax withheld with respect to dividends which come within such proviso. In any case in which the Commissioner of Internal Revenue has notified the domestic corporation that the dividends fall within the scope of such proviso the reduced withholding rate of 5 percent will apply to any dividends subsequently paid by such corporation to the foreign corporation, unless the stock ownership of the domestic corporation, or the character of its income, or the place of management and control of the corporation to which the dividend is paid materially changes; or unless the Commissioner of Internal Revenue determines that the relationship between the two corporations is being maintained primarily with the intention of securing the reduced rate of tax; and, if such change in stock ownership, character of income, or place of management and control occurs, the domestic corporation shall promptly notify the Commissioner of Internal Revenue of the then existing facts with respect thereto. The continued application of the reduced withholding rate is also dependent upon the continued fulfillment of conditions in subparagraph (1) (iii) and (iv) of this paragraph.

(c) *Effect of address in Ireland on withholding in case of dividends.* For the purpose of withholding of the tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Ireland shall be deemed by United States withholding agents to be a nonresident alien who is (1) resident in Ireland for the purposes of Irish tax, (2) subject to Irish tax on such dividends, and (3) without a permanent establishment in the United States; and every foreign corporation whose address is in Ireland shall be deemed by such withholding agents to be a foreign corporation whose business is managed and controlled in Ireland and which is (i) subject to Irish tax on such dividends and (ii) without a permanent establishment in the United States.

(d) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from a United States corporation and paid on or after January 1, 1952, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Ireland, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that (i) such dividends fall within the scope of the proviso of Article VI (1) of the convention or (ii) the reduced rate of tax shall not apply.

(2) The preceding provisions respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in Ireland are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to United States tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.1007.

(3) The rate at which United States tax has been withheld from any dividend paid on and after thirty days from the date on which this subpart is filed with the Division of the Federal Register to any person whose address is in Ireland at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 7.1002 *Interest*—(a) *General.* (1) Interest (other than interest falling within the scope of paragraph (c) of this section) on bonds, securities, notes, debentures, or any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in Ireland for the purposes of Irish tax, or by a foreign corporation (whether or not created or organized in or under the laws of Ireland) whose business is managed and controlled in Ireland, is exempt from United States tax under the provisions of Article VII (1) of the convention if such alien or corporation is subject to Irish tax on such interest and at no time during the taxable year had a permanent establishment within the United States. Such interest is, therefore, not subject to the withholding provisions of the Internal Revenue Code. As to what constitutes a permanent establishment, see Article II (1) (l) of the convention.

(2) The provisions of § 7.1001 (a) relating to the degree of liability to Irish tax in the case of dividends are equally applicable with respect to the income falling within the scope of this section.

(b) *Application of exemption from withholding.* (1) To obviate withholding at the source in the case of coupon bond interest the nonresident alien resident in Ireland for the purpose of Irish tax, or the foreign corporation whose business is managed and controlled in Ireland, shall for each issue of bonds submit Form 1001–IR in duplicate to the paying agent with each presentation of interest coupons. Such form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of such interest, and the amount of such interest. Such form shall contain a statement that the owner (i) is resident in Ireland for the purposes of Irish tax, or is a foreign corporation whose business is managed and controlled in Ireland, (ii) has no permanent establishment in the United States, and (iii) is subject to Irish tax on such interest.

(2) The exemption from United States tax contemplated by Article VII (1) of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of such interest. The person presenting such coupon, or on whose behalf it is presented, shall for the purpose of the exemption from tax be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon is not the owner of the bond, Form 1001, and not Form 1001–IR, shall be executed.

(3) The original and duplicate ownership certificates, Form 1001–IR, must be forwarded to the Commissioner of Internal Revenue by the withholding agent with the quarterly return on Form 1012, as provided in existing regulations with respect to Form 1001. See § 29.143–7 of this chapter (Regulations 111). Form 1001–IR need not be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 29.143–4 and 29.143–6 of this chapter.

(5) To obviate withholding at the source in the case of interest, other than interest payable by means of coupons, the nonresident alien resident in Ireland for the purposes of Irish tax, or the foreign corporation whose business is managed and controlled in Ireland, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VII (1) of the convention. The letter of notification shall be signed by the owner of the interest, trustee, or agent and shall show the name and ad-

dress of the obligor and the name and address of the owner of such interest. It shall also contain a statement that the owner (i) is resident in Ireland for the purposes of Irish tax, or is a foreign corporation whose business is managed and controlled in Ireland, (ii) has no permanent establishment in the United States, and (iii) is subject to Irish tax on such interest. This letter shall constitute authorization for the payment of such interest without deduction of the tax at source.

(6) The letter of notification in the case of interest, other than interest payable by means of coupons, must be filed for each three-calendar-year period, and the first such letter filed by the taxpayer with any withholding agent shall be filed not later than 20 days preceding the date of the first payment of interest in such period. If the taxpayer files such letter with the withholding agent in the calendar year 1952, or in any subsequent calendar year, no additional letter need be filed prior to the end of the two calendar years immediately following the calendar year in which such letter is so filed unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter must be filed by the taxpayer at any earlier date. If, after filing a letter of notification, the taxpayer ceases to be eligible for the benefit of the convention, he must promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from United States tax will no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such interest.

(7) Each letter of notification, or the duplicate thereof, must be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Clearing Branch, Washington 25, D. C.

(8) In the case of interest paid on or after January 1, 1951, by an Irish corporation, as defined in Article II (1) (e) of the convention, no withholding of United States tax is required. See Article XV (1) of the convention.

(c) *Exemption not applicable to interest paid by subsidiary corporation to its parent corporation.* (1) Under the exception contained in Article VII (1) of the convention any interest derived from sources within the United States and paid by a domestic corporation to a foreign corporation whose business is managed and controlled in Ireland is not exempt from United States tax if such foreign corporation controls, directly or indirectly, at the time the interest is paid more than 50 percent of the entire voting power of all classes of stock of such domestic corporation. The exemption from United States tax provided by Article VII (1) of the convention does not, therefore, apply to such interest paid by such domestic corporation.

(2) In any case in which a foreign corporation whose business is managed and controlled in Ireland anticipates the receipt of interest from a domestic corporation and the relationship existing between the foreign corporation and the domestic corporation is such as to render uncertain whether, by reason of the exception contained in Article VII (1) of the convention, the exemption will apply to such interest, the foreign corporation shall not undertake to file any Form 1001–IR or letter of notification prescribed by paragraph (b) of this section unless it has, prior to such filing, applied for and received from the Commissioner of Internal Revenue, Washington 25, D. C., a determination that such foreign corporation does not control, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation. The application to the Commissioner shall contain a full statement of all the facts pertinent to a determination of the question.

(3) As soon as practicable after the application has been filed, the Commissioner of Internal Revenue will determine whether the foreign corporation has such control of the domestic corporation as to render the exemption provided by Article VII (1) of the convention inapplicable to interest paid by such domestic corporation to such foreign corporation and shall notify the foreign corporation of his determination. The foreign corporation shall forthwith file with the domestic corporation a copy of the Commissioner's letter of notification.

(4) If the Commissioner's determination is that the foreign corporation does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the domestic corporation, the foreign corporation may thereafter obviate withholding at the source with respect to subsequent payments of such interest by complying with the provisions of paragraph (b) of this section, that is, by submitting Form 1001–IR in the case of coupon bond interest, or the letter of notification for each three-calendar-year period in the case of interest other than interest payable by means of coupons.

(5) A determination of the Commissioner that the foreign corporation does not have such control of the domestic corporation as to render the exemption provided by Article VII (1) of the convention inapplicable will apply until such time as the stock ownership of the domestic corporation has changed to the extent that interest to be received from the domestic corporation by the foreign corporation is no longer exempt from United States tax under Article VII (1) of the convention. If such change in stock ownership occurs, the foreign corporation shall promptly notify both the Commissioner of Internal Revenue and the domestic corporation of the then existing facts with respect to such stock ownership.

(6) In any case in which a foreign corporation whose business is managed and controlled in Ireland has received on or after January 1, 1952, interest from a domestic corporation and the relationship existing between the foreign corporation and the domestic corporation was at the time the interest was paid such as to render uncertain whether, by reason of the exception contained in Article VII (1) of the convention, such interest was exempt from United States tax, the foreign corporation shall apply to the Commissioner of Internal Revenue for a similar determination as to the degree of control at the time the interest was paid. If the Commissioner's determination is that at such time the degree of control was such as to permit the application of the exemption provided by Article VII (1) of the convention, his letter of notification may, subject to the provisions of § 7.1006 (e), authorize the release of excess tax withheld with respect to such exempt interest.

§ 7.1003 *Patent and copyright royalties and film rentals.* (a) Royalties and other amounts (including rentals for the use of, or for the right to use, motion picture films) derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in Ireland for the purposes of Irish tax, or by a foreign corporation (whether or not created or organized in or under the laws of Ireland) whose business is managed and controlled in Ireland, when paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property, are exempt from United States tax under the provisions of Article VIII (1) and (3) of the convention if such alien or corporation is subject to Irish tax on such income and at no time during the taxable year had a permanent establishment within the United States. Such items of income are, therefore, not subject to the withholding provisions of the Internal Revenue Code. As to what constitutes a permanent establishment, see Article II (1) (l) of the convention.

(b) The provisions of § 7.1001 (a) relating to the degree of liability to Irish tax in the case of dividends are equally applicable with respect to the income falling withing the scope of this section.

(c) To obviate withholding at the source in the case of such items the nonresident alien resident in Ireland for the purposes of Irish tax, or the foreign corporation whose business is managed and controlled in Ireland, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VIII of the convention. The provisions of § 7.1002 (b) relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(d) Each letter of notification, or the duplicate thereof, must be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Clearing Branch, Washington 25, D. C.

§ 7.1004 *Natural resource royalties and real property rentals.* (a) Under Article IX of the convention the rate of tax imposed with respect to natural resource royalties and real property rentals by section 211 (a) of the Internal Revenue Code (relating to nonresident alien individuals not engaged in trade or business within the United States) and by section 231 (a) of the Internal Revenue Code (relating to foreign corporations not engaged in trade or business within the United States) is reduced to 15 percent in the case of royalties in respect of the operation of mines or quar-

ries or of other extraction of natural resources, and in the case of rentals from real property or from an interest in such property, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in Ireland for the purposes of Irish tax, or by a foreign corporation (whether or not created or organized in or under the laws of Ireland) whose business is managed and controlled in Ireland, if such alien or corporation is subject to Irish tax on such income and at no time during the taxable year had a permanent establishment within the United States. As to what constitutes a permanent establishment, see Article II (1) (l) of the convention.

(b) The provisions of § 7.1001 (a) relating to the degree of liability to Irish tax in the case of dividends are equally applicable with respect to the income falling within the scope of this section.

(c) To secure the reduced rate of tax at the source in the case of such items the nonresident alien resident in Ireland for the purposes of Irish tax, or the foreign corporation whose business is managed and controlled in Ireland, shall notify the withholding agent by letter in duplicate that the rate of United States tax with respect to such income is reduced to 15 percent under the provisions of Article IX of the convention. The provisions of § 7.1002 (b) relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(d) Each letter of notification, or the duplicate thereof, must be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Clearing Branch, Washington 25, D. C.

§ 7.1005 *Pensions and life annuities.* (a) Pensions, other than pensions paid by the Government of the United States to individuals in respect of services rendered thereto in the discharge of governmental functions, and any life annuity, derived from sources within the United States in taxable years beginning on or after January 1, 1951, by a nonresident alien individual who is resident in Ireland for the purposes of Irish tax are exempt from United States tax under the provisions of Article XII of the convention.

(b) To obviate withholding at the source in the case of such exempt income the nonresident alien individual who is resident in Ireland for the purposes of Irish tax shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article XII of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is resident in Ireland for the purposes of Irish tax. This letter shall constitute authorization for the payment of such income without deduction of the tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax should be withheld from payments of such income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the benefit of the convention, he must promptly notify the withholding agent by letter in duplicate.

(c) Each letter of notification, or the duplicate thereof, must be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Clearing Branch, Washington 25, D. C.

§ 7.1006 *Release of excess tax withheld at source*—(a) *General.* (1) In order to bring the convention into force and effect at the earliest practicable date,

(i) The reduced rate of tax of 15 percent to be withheld at the source from dividends, natural resource royalties, and real property rentals, and

(ii) The exemption from tax otherwise withheld at the source from interest, patent royalties, copyright royalties, film rentals, and the like,

are hereby made effective beginning January 1, 1952, in any case in which such natural resource royalties, real property rentals, interest, patent royalties, copyright royalties, film rentals, and the like are derived from sources within the United States, or in which such dividends are derived from a United States corporation, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in Ireland for the purposes of Irish tax, or by a foreign corporation whose business is managed and controlled in Ireland, if such alien or corporation is subject to Irish tax on such income and at no time during the taxable year in which such income is so derived had a permanent establishment within the United States.

(2) In the case of every such taxpayer whose address at the time of payment was in Ireland and who furnishes to the withholding agent the letter of notification prescribed in § 7.1002 (b), § 7.1003, or § 7.1004, where United States tax at the rate of 30 percent has been withheld on or after January 1, 1952, there shall be released (except as provided in paragraph (e) of this section) by the withholding agent and paid over to the person from whom it was withheld:

(i) In the case of natural resource royalties and real property rentals, an amount equal to 15 percent of such royalties and rentals, and

(ii) In the case of interest (other than coupon bond interest), patent royalties, copyright royalties, film rentals, and the like, an amount equal to the tax so withheld.

(3) In the case of every such taxpayer whose address at the time of payment was in Ireland and who furnishes to the withholding agent Form 1001–IR in duplicate, where United States tax at the rate of 28 percent or 30 percent, as the case may be, has been withheld from coupon bond interest on or after January 1, 1952, there shall be released (except as provided in paragraph (e) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld, if such taxpayer also files in duplicate with the withholding agent as authorization for the release of such amount a Form 1001–IR clearly marked "Substitute". One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by such taxpayer in the calendar year in which the excess tax is released. The use of Form 1001–IR with each presentation of interest coupons for the purpose of obviating withholding of tax at source is set forth in §7.1002 (b).

(4) In the case of dividends derived from a United States corporation and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Ireland, where United States tax at the rate of 30 percent has been withheld from such dividends on or after January 1, 1952, there shall be released (except as provided in paragraph (d) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount equal to 15 percent of such dividends.

(b) *Amounts withheld during 1951.* For provisions respecting the refund of excess tax withheld during the calendar year 1951, see § 7.1010.

(c) *Pensions and life annuities.* (1) In order to bring the convention into force and effect at the earliest practicable date the exemption from tax otherwise withheld at the source from life annuities and pensions, other than pensions paid by the Government of the United States to individuals in respect of services rendered thereto in the discharge of governmental functions, is hereby made effective beginning January 1, 1952, in any case in which such pensions and life annuities are derived from sources within the United States by a nonresident alien individual who is resident in Ireland for the purposes of Irish tax.

(2) In the case of every such taxpayer whose address at the time of payment was in Ireland and who furnishes to the withholding agent the letter of notification prescribed in § 7.1005, where United States tax at the rate of 30 percent has been withheld on or after January 1, 1952, from such pensions or life annuities, as the case may be, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld.

(d) *Subsidiary's dividends.* (1) United States tax shall be withheld at the rate of 15 percent from any dividend derived from a United States corporation and paid on or after January 1, 1952, to a foreign corporation whose address is in Ireland unless, prior to the date of payment thereof, the Commissioner of Internal Revenue notifies the domestic corporation that such dividend falls within the scope of the proviso of Article VI (1) of the convention.

(2) In the case of every domestic corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 7.1001 (b) that dividends paid or to be paid by it fall

within the scope of the proviso of Article VI (1) of the convention, where United States tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1952, from dividends which come within the scope of such proviso, the withholding agent shall, if so authorized in such notification, release and pay over to the foreign corporation from which it was withheld the excess tax withheld with respect to such dividends.

(e) *Interest paid where degree of stock ownership is determined.* In the case of every foreign corporation whose address at the time of payment was in Ireland and which (1) furnishes to the domestic corporation a copy of the Commissioner's authorization of release prescribed in § 7.1002 (c) and (2) files the letter of notification prescribed in § 7.1002 (b), or the substitute Form 1001–IR prescribed in paragraph (a) of this section, whichever is applicable, where United States tax at the rate of 28 percent or 30 percent, as the case may be, has been withheld on or after January 1, 1952, the withholding agent shall release and pay over to the foreign corporation from which it was withheld an amount equal to the tax so withheld.

§ 7.1007 *Addressee not actual owner.* (a) If any person with an address in Ireland who receives a dividend from a United States corporation with respect to which United States tax at the rate of only 15 percent has been withheld at source is a nominee or representative through whom such dividend flows to a person other than one described in § 7.1001 (a) as being entitled to such reduced rate of 15 percent, such recipient in Ireland will withhold an additional amount of United States tax equivalent to the difference between the United States tax which would have been withheld had the convention not been in effect (30 percent as of the date of approval of this subpart) and the 15 percent withheld at the source with respect to such dividend pursuant to § 7.1001 (d).

(b) In any case in which a fiduciary or partnership with an address in Ireland receives, otherwise than as a nominee or representative, a dividend from a United States corporation with respect to which United States tax at the rate of only 15 percent has been withheld at source, if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of tax provided in Article VI (1) of the convention, the fiduciary or partnership will withhold an additional amount of United States tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under paragraph (a) of this section.

(c) If any amount of United States tax is released pursuant to § 7.1006 (a) by the withholding agent in the United States with respect to a dividend received by such a person with an address in Ireland, the latter will also withhold from such released amount any additional amount of United States tax, otherwise required to be withheld by the preceding provisions of this section in respect of such dividend, in the same manner as if at the time of payment of such dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(d) The amounts so withheld by such withholding agents in Ireland will be deposited, without converting such amounts into United States dollars, with the Irish Revenue Commissioners on or before the 15th day after the close of the calendar year quarter in which such withholding in Ireland occurs. Each withholding agent making such deposit will render therewith the appropriate Irish form as prescribed in regulations made by the Revenue Commissioners. The Revenue Commissioners have arranged that the amounts so deposited will be remitted by draft in United States dollars to the Collector of Internal Revenue, Baltimore, Maryland, U. S. A., on or before the end of the calendar month in which the deposits are made, such draft to be accompanied by the Irish form rendered by the withholding agents in Ireland in connection with such deposits.

§ 7.1008 *Information to be furnished in ordinary course.* In compliance with the provisions of Article XX of the convention the Commissioner of Internal Revenue will transmit to the Irish Revenue Commissioners, as soon as practicable after the close of the calendar year 1952 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(a) The name and address of each person whose address as disclosed on each available Form 1042 is in Ireland deriving from sources within the United States dividends, interest, rent, royalties, salaries, wages, pensions, annuities, and other fixed or determinable annual or periodical income; and the amount of such income as disclosed on such form with respect to each such person.

(b) The duplicate copy of each available ownership certificate, Form 1001–IR, filed pursuant to § 7.1002 (b), and substitute Form 1001–IR, filed pursuant to § 7.1006 (a), in connection with coupon bond interest.

§ 7.1009 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is resident in Ireland for the purposes of Irish tax and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax provided in Articles VI, VII, VIII, IX, and XV of the convention with respect to dividends, interest, royalties, natural resource royalties, and real property rentals to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust. In order to be entitled in such instance to the exemption from, or reduction in the rate of, tax such beneficiary must otherwise satisfy the requirements of these respective Articles of the convention and must, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the appropriate letter of notification prescribed in §§ 7.1002 (b), 7.1003, and 7.1004.

§ 7.1010 *Refund of income tax withheld during 1951.* (a) If United States tax withheld at the source during the year 1951 from dividends, interest, royalties, natural resource royalties, real property rentals, pensions, or life annuities is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040NB–a, Form 1040B, or Form 1120NB, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States, including every item of capital gain subject to tax under the provisions of section 211 (a) (1) (B) or 211 (c) of the Internal Revenue Code, shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person must be furnished with the claim. There shall also be included in such claim for refund a statement:

(1) That the taxpayer was, at the time when the item or items of income were derived, (i) a nonresident alien (including a nonresident alien individual, fiduciary, or partnership) who at such time was resident in Ireland for the purposes of Irish tax, or (ii) a foreign corporation whose business at such time was managed and controlled in Ireland.

(2) That the taxpayer at no time during the taxable year in which the income was derived had a permanent establishment in the United States.

(3) That the taxpayer is subject to Irish tax on the item or items of income for which the benefit of the convention is claimed.

(c) If, however, the taxpayer is an individual who during the taxable year derived from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article XII of the convention, the statements specified in paragraph (b) (2) and (3) of this section will not be required.

(d) As to additional information required in the case of a foreign corporation claiming the benefit of the 5 percent rate on dividends, or in certain doubtful cases the benefit of the exemption with respect to interest, paid by a domestic corporation, see § 7.1001 (b) or § 7.1002 (c).

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting reduced rates of, or exemptions from, tax and the rules respecting release or refund of amounts withheld in excess of such reduced rates, or with respect to exempt income, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of

the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

Effective: January 1, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: April 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4624; Filed, Apr. 23, 1952; 8:47 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5895, Regs. 7, 10, 15, 20]

PART 178—PRODUCTION, FORTIFICATION, TAX-PAYMENT, ETC., OF WINES

PART 185—WAREHOUSING OF DISTILLED SPIRITS

PART 190—RECTIFICATION OF SPIRITS AND WINES

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

MISCELLANEOUS AMENDMENTS

Sections 451, 452, 455 and 461 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong.) provide, in part, as follows:

SEC. 451. INCREASE IN TAX ON DISTILLED SPIRITS FROM $9 TO $10.50 PER GALLON.

(a) *Distilled spirits generally.* Section 2800 (a) (1) is hereby amended by striking out "$6" and inserting in lieu thereof "$10.50", and by inserting after the first sentence the following new sentence: "On and after April 1, 1954, the rate of tax imposed by this paragraph shall be $9 in lieu of $10.50."

* * * * *

SEC. 452. WINES.

(a) *Increase in rate of tax*—(1) *Still wines.* So much of section 3030 (a) (1) (A) (tax on still wines, etc.) as precedes the second sentence thereof is hereby amended to read as follows:

(A) *Imposition.* Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, produced in or imported into the United States on or after the effective date of section 452 (a) of the Revenue Act of 1951, or which on such date were on any winery premises or other bonded premises or in transit thereto or at any custom house, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 17 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight, except that on and after April 1, 1954, the rate shall be 15 cents per wine-gallon;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 67 cents per wine-gallon, except that on and after April 1, 1954, the rate shall be 60 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $2.25 per wine-gallon, except that on and after April 1, 1954, the rate shall be $2 per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

(2) *Sparkling wines, liqueurs, and cordials.* Section 3030 (a) (2) (tax on sparkling wines, liqueurs, and cordials) is hereby amended as follows:

(A) By striking out "after June 30, 1940, or which on July 1, 1940" and inserting in lieu thereof "on or after the effective date of section 452 (a) of the Revenue Act of 1951, or which on such date";

(B) By striking out "10 cents on each one-half pint or fraction thereof" and inserting in lieu thereof "17 cents on each one-half pint or fraction thereof, except that on and after April 1, 1954, the rate shall be 15 cents on each one-half pint or fraction thereof"; and

(C) By striking out "5 cents on each one-half pint or fraction thereof" each place that it occurs and inserting in lieu thereof "12 cents on each one-half pint or fraction thereof, except that on and after April 1, 1954, the rate shall be 10 cents on each one-half pint or fraction thereof."

* * * * *

SEC. 461. DEALERS IN LIQUORS.

(a) *Wholesale dealers in liquors.* Section 3250 (a) (1) (relating to occupational tax on wholesale dealers in liquors) is hereby amended by striking out "$110" and inserting in lieu thereof "$200".

(b) *Retail dealers in liquors.* Section 3250 (b) (1) (relating to occupational tax on retail dealers in liquors) is hereby amended by striking out "$27.50" and inserting in lieu thereof "$50".

(c) *Wholesale dealers in malt liquors.* Section 3250 (d) (1) (relating to tax on wholesale dealers in malt liquors) is hereby amended by striking out "$55" and inserting in lieu thereof "$100".

1. Pursuant to the foregoing provisions of law, Regulations 7, "Production, Fortification, Tax-Payment, Etc., of Wines" (26 CFR Part 178; 10 F. R. 12307), Regulations 10, "Warehousing of Distilled Spirits" (26 CFR Part 185; 15 F. R. 5233), Regulations 15, "Rectification of Spirits and Wines" (26 CFR Part 190; 15 F. R. 4790), and Regulations 20, "Wholesale and Retail Dealers in Liquors" (26 CFR Part 194; 5 F. R. 2170), are hereby amended.

2. Sections 178.238, 178.239, and 178.241 of Regulations 7 are amended to read as follows:

TAX-PAYMENT OF WINES

* * * * *

§ 178.238 *Tax on still wines.* The following are the rates of tax on still wines, artificial or imitation wines or compounds sold as still wines, and vermouth or other apertif wine produced in a bonded winery, the percent of alcohol to be reckoned by volume:

(a) 17 cents per wine gallon when containing not more than 14 percent of absolute alcohol;

(b) 67 cents per wine gallon when containing more than 14 percent and not exceeding 21 percent of absolute alcohol;

(c) $2.25 per wine gallon when containing more than 21 percent and not exceeding 24 percent of absolute alcohol;

(d) When containing more than 24 percent of absolute alcohol, such products shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 347 as amended, 477; 26 U. S. C. 3030, 3901)

§ 178.239 *Tax on champagne, sparkling wine, and artificially carbonated wine.* The following are the rates of tax on champagne, sparkling wine, and artificially carbonated wine:

(a) On each bottle or other container of champagne or sparkling wine, 17 cents on each one-half pint or fraction thereof;

(b) On each bottle or other container of artificially carbonated wine, 12 cents on each one-half pint or fraction thereof;

(c) Any of the foregoing articles containing more than 24 percent of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 347 as amended, 477; 26 U. S. C. 3030, 3901)

§ 178.241 *Computing tax on champagne, sparkling wine, and artificially carbonated wine.* The tax on champagne, sparkling wine, and artificially carbonated wine must be computed on each bottle, and not on the aggregate contents of the case. Thus, the tax on a one-fifth gallon bottle of champagne or sparkling wine amounts to 68 cents, and on a case of 12 such bottles the tax amounts to $8.16.

(53 Stat. 347 as amended, 477; 26 U. S. C. 3030, 3901)

3. Section 185.606 of Regulations 10 is amended to read as follows:

SUBPART BB—TAXPAID WITHDRAWALS IN PACKAGES

* * * * *

§ 185.606 *Issuance of rectified spirits stamps.* Where the Form 179 covers blended brandies taxpaid at the rate imposed by section 2800 (a) (5), I. R. C., in addition to the tax imposed by section 2800 (a) (1), I. R. C., the collector shall issue a class B rectified spirits stamp, with proper coupons attached, for each package and shall enter the serial number of the stamps in the proper column of Form 1520.

(53 Stat. 298 as amended, 300 as amended; 26 U. S. C. 2800, 2801)

4. Sections 190.478, 190.547, 190.548, 190.550, and 190.552 of Regulations 15 are amended to read as follows:

SUBPART Y—RECTIFICATION

* * * * *

BLENDING OF WINES

* * * * *

§ 190.478 *Additional wine tax.* Where the taxable grade of wine is increased by blending, additional gallonage wine tax must be paid on the resultant product representing the difference between the tax originally paid on the wine and the tax due on the blended product, as provided in Subpart AA of this part. For example, if 100 gallons of wine containing 20 percent alcohol, on which wine tax in the amount of $67 has been paid, are blended with 100 gallons of wine containing 12 percent alcohol, on which wine tax in the sum of $17 has been paid, making a total wine tax paid on the two wines of $84, and the resultant product contains 16 percent alcohol, the wine tax on which would amount to $134, additional wine tax of $50 must be paid on the blended product, regardless of whether or not the 30-cent rectifying tax is incurred by the blending.

(53 Stat. 347 as amended, 525; 26 U. S. C. 3030, 3190)

SUBPART AA—COMMODITY TAXES ON RECTIFIED SPIRITS AND PRODUCTS

* * * * *

§ 190.547 *Vermouth.* Vermouth made at a rectifying plant, which is subject to the rectification tax of 30 cents per proof gallon imposed by section 2800 (a) (5), I. R. C., is in addition thereto subject to the tax imposed upon vermouth by section 3030 (a) (1), I. R. C., which tax is as follows:

(a) On vermouth containing not more than 14 per centum of absolute alcohol, 17 cents per wine gallon, the per centum of alcohol to be reckoned by volume and not by weight;

(b) On vermouth containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 67 cents per wine gallon;

(c) On vermouth containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol $2.25 per wine gallon;

(d) All vermouth containing more than 24 per centum of absolute alcohol by volume (except vermouth containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 298 as amended, 300 as amended, 347 as amended; 26 U. S. C. 2800, 2801, 3030)

§ 190.548 *Liqueurs, cordials, etc., taxable under section 3030 (a) (2), I. R. C.* Section 3030 (a) (2), I. R. C., imposes a tax on certain products of rectification, as follows: On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, twelve cents on each one-half pint or fraction thereof. Liqueurs, cordials, and similar compounds on which a tax is imposed and paid under section 3030 (a) (2), I. R. C., are exempt from the 30-cent rectification tax. By "liqueurs, cordials, or similar compounds" is meant those products that contain not less than 2½ per cent by weight of sweetening material and possess the taste, aroma, and characteristics generally attributed to liqueurs and cordials.

(53 Stat. 300 as amended, 347 as amended; 26 U. S. C. 2801, 3030)

§ 190.550 *Carbonated and sparkling wines.* The carbonating of tax-paid wines, either by secondary fermentation of the wine within the bottle or container or by charging the wine artifically with carbon dioxide, must be done at a rectifying plant. The carbonated wine is subject to the rectification tax of 30 cents per proof gallon, and, in addition thereto, the tax imposed by section 3030 (a) (2), I. R. C., upon sparkling wine, or artificially carbonated wine, as the case may be, must be paid. This tax is as follows:

(a) On each bottle or other container of champagne or sparkling wine, 17 cents on each one-half pint or fraction thereof;

(b) On each bottle or other container of artificially carbonated wine, 12 cents on each one-half pint or fraction thereof;

(c) Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 300 as amended, 347 as amended; 26 U. S. C. 2801, 3030)

§ 190.552 *Blended wines.* Any blending of tax-paid wines by rectifiers, except the blending of domestic tax-paid wines for the sole purpose of perfecting such wines according to recognized commercial standards, subjects the resultant product to the 30-cent rectification tax. Where the taxable class of wine is increased by blending wines with each other, additional wine tax due on the blended wines must be paid, regardless of whether or not the 30-cent rectification tax is incurred by such blending. This additional wine tax represents the difference between the wine tax due on the blended wine under its new classification and the tax previously paid on the wines used for such blending. Section 3030 (a) (1), I. R. C., imposes a tax upon all still wines, and all artificial or imitation wines or compounds sold as still wine, at the following rates:

(a) On wines containing not more than 14 per centum of absolute alcohol, 17 cents per wine gallon, the per centum of alcohol to be reckoned by volume and not by weight;

(b) On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 67 cents per wine gallon;

(c) On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $2.25 per wine gallon;

(d) All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 300 as amended, 347 as amended; 26 U. S. C. 2801, 3030)

5. Sections 194.37, 194.48 (a) and 194.49 of Regulations 20 are amended to read as follows:

PAYMENT OF SPECIAL TAX

§ 194.37 *Special tax rates.* Special taxes are imposed upon liquor dealers at the following annual (fiscal year) rates:

Retail dealers in liquors	$50.00
Wholesale dealers in liquors	200.00
Retail dealers in fermented malt liquors	22.00
Wholesale dealers in fermented malt liquors	100.00

(53 Stat. 388 as amended; 26 U. S. C. 3250)

SPECIAL TAX STAMPS

* * * * *

§ 194.48 *Stamps for dealers in wines only, or wines and malt liquors only.* (a) Retail and wholesale dealers in liquors who sell or offer for sale wines only, or wines and malt liquors only, may obtain stamps as retail or wholesale dealers in liquors, as the case may be, under the following designations upon application and payment of special tax at the annual (fiscal year) rates indicated:

Retail dealer in wines	$50.00
Retail dealer in wines and malt liquors	50.00
Wholesale dealer in wines	200.00
Wholesale dealer in wines and malt liquors	200.00

* * * * *

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.49 *Stamps for drug stores and pharmacies selling through licensed pharmacists.* Proprietors of drug stores and pharmacies making sales of distilled spirits through duly licensed pharmacists, may procure stamps designated "Medicinal Spirits Stamp Tax" upon application and payment of special tax at the $50 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail liquor dealers. Collectors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamp.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

6. Since the excise and special tax provisions of the Revenue Act of 1951 were effective on November 1, 1951, these regulations, pursuant to section 3791, Internal Revenue Code, are being made retroactively effective to that date. It is therefore found impracticable to comply with the notice, public rule-making, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.).

7. This Treasury decision shall be effective on November 1, 1951.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: April 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4622; Filed, Apr. 23, 1952; 8:47 a. m.]

[T. D. 5896, Regs. 21]

PART 191—IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED MALT LIQUORS

TAX ON IMPORTED DISTILLED SPIRITS, WINES, FERMENTED LIQUORS, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

Sections 451 and 452 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong.) provide, in part, as follows:

SEC. 451. INCREASE IN TAX ON DISTILLED SPIRITS FROM $9 TO $10.50 PER GALLON.

(a) *Distilled spirits generally.* Section 2800 (a) (1) is hereby amended by striking out "$6" and inserting in lieu thereof

"$10.50", and by inserting after the first sentence the following new sentence: "On and after April 1, 1954, the rate of tax imposed by this paragraph shall be $9 in lieu of $10.50".

* * * * *

SEC. 452. WINES.

(a) *Increase in rate of tax*—(1) *Still wines.* So much of section 3030 (a) (1) (A) (tax on still wines, etc.) as precedes the second sentence thereof is hereby amended to read as follows:

(A) *Imposition.* Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, produced in or imported into the United States on or after the effective date of section 452 (a) of the Revenue Act of 1951, or which on such date were on any winery premises or other bonded premises or in transit thereto or at any custom house, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 17 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight, except that on and after April 1, 1954, the rate shall be 15 cents per wine-gallon;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 67 cents per wine-gallon, except that on and after April 1, 1954, the rate shall be 60 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $2.25 per wine-gallon, except that on and after April 1, 1954, the rate shall be $2 per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

(2) *Sparkling wines, liqueurs, and cordials.* Section 3030 (a) (2) (tax on sparkling wines, liqueurs, and cordials) is hereby amended as follows:

(A) By striking out "after June 30, 1940, or which on July 1, 1940" and inserting in lieu thereof "on or after the effective date of section 452 (a) of the Revenue Act of 1951, or which on such date";

(B) By striking out "10 cents on each one-half pint or fraction thereof" and inserting in lieu thereof "17 cents on each one-half pint or fraction thereof, except that on and after April 1, 1954, the rate shall be 15 cents on each one-half pint or fraction thereof"; and

(C) By striking out "5 cents on each one-half pint or fraction thereof" each place that it occurs and inserting in lieu thereof "12 cents on each one-half pint or fraction thereof, except that on and after April 1, 1954, the rate shall be 10 cents on each one-half pint or fraction thereof".

* * * * *

1. Pursuant to the foregoing provisions of law, §§ 191.40, 191.41, 191.42, 191.43, 191.44, 191.45 and 191.46 of Regulations 21, "Importation of Distilled Spirits, Wines, and Fermented Malt Liquors" (26 CFR Part 191; 16 F. R. 8530), are hereby amended to read as follows:

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, FERMENTED LIQUORS, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

§ 191.40 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 191.41 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

WINES

§ 191.42 *Still wines.* All still wines, including vermouth or other apertif wine, and all artificial or imitation wines or compounds sold as still wine, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

(a) On wines containing not more than 14 per centum of absolute alcohol, 17 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

(b) On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 67 cents per wine gallon;

(c) On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $2.25 per wine gallon;

(d) All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 298 as amended, 347 as amended; 26 U. S. C. 2800, 3030)

§ 191.43 *Sparkling wines.* All sparkling wines and artificially carbonated wines in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

(a) On each bottle or other container of champagne or sparkling wine, 17 cents on each one-half pint or fraction thereof;

(b) On each bottle or other container of artificially carbonated wine, 12 cents on each one-half pint or fraction thereof.

(53 Stat. 347 as amended; 26 U. S. C. 3030)

§ 191.44 *Wines containing over 24 per centum of alcohol.* Champagne and other sparkling wines, still wines, artificially carbonated wines, and vermouth or other apertif wine, if containing over 24 per centum of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

(53 Stat. 298 as amended, 347 as amended; 26 U. S. C. 2800, 3030)

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

§ 191.45 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Fortified or unfortified wines, containing not over 24 per centum of alcohol by volume, to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines.

(53 Stat. 298 as amended, 347 as amended; 26 U. S. C. 2800, 3030)

§ 191.46 *Other compounds and preparations.* Compounds and preparations, other than those specified in § 191.45, containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Compounds and preparations, containing fortified or unfortified wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines.

(53 Stat. 298 as amended, 347 as amended; 26 U. S. C. 2800, 3030)

2. Since the excise tax provisions of the Revenue Act of 1951 were effective on November 1, 1951, these regulations, pursuant to section 3791, Internal Revenue Code are being made retroactively effective to that date. It is, therefore, found impracticable to comply with the notice, public rule-making, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.).

3. This Treasury decision shall be effective on November 1, 1951.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

FRANK DOW,
Commissioner of Customs.

Approved: April 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4623; Filed, Apr. 23, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 101, Amdt. 2]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of

Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 2 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several substantial changes in the provisions and pricing schedules of CPR 101 and provides additional definitions and clarifications. Specifically, the following changes are made:

1. At the time CPR 101 was issued, some packers had stored in freezers large stocks of veal cuts which did not conform to CPR 101 definitions. In some cases the amounts of such cuts were so large that these concerns did not have sufficient time to sell them prior to the effective date of the regulation. This amendment allows such sellers to dispose of miscuts in storage prior to the effective date of CPR 101. It requires a record of the amount of miscuts to be thus disposed of and invoices for such sales to be identified as covering sales made pursuant to this provision; the price of a miscut sold under this amendment must be no higher than the price of the most similar cut defined in CPR 101. Forty-five days, the time allowed in this amendment, is believed to be ample time for any seller to dispose of any present inventory of miscuts.

2. This amendment also extends the mandatory filing date of applications by retailers for permission to purchase hide-on carcasses weighing not more than 150 lbs. At the time amendment 1 was issued, it was believed that the March 1, 1952, filing date would give qualified retailers sufficient opportunity to file their applications. However, it has come to the attention of the Office of Price Stabilization that certain segments of the retail trade have delayed their applications until the filing date has expired. In order to allow these retailers sufficient time to file their applications, the filing date is being extended and District Offices are authorized to process all applications postmarked before June 1, 1952. This should provide ample time for all qualified retailers to file their applications at District Offices. No further extensions of this date are contemplated by the Office of Price Stabilization.

3. The Department of Defense is currently working on experimental methods of cutting and packaging meats to improve procurement methods, so as to obtain packaging, storing, and cutting economies. Accordingly, this amendment makes provision to authorize such experimental work by the industry subject to this regulation. Due to the fact that cutting and packaging specifications may be changed during the experiment in line with experience derived from actual use of the product, it is impractical to set dollar-and-cent ceilings on experimental cuts. Furthermore, no breakdown of carcass yields, and of labor and other costs can be available before the experiment gets under way and there is, therefore, no basis for setting prices on these cuts in advance. Accordingly, this amendment to the regulation provides that experimental work for defense procurement agencies may be undertaken on a contract basis.

4. The ceiling prices for calves' heads and feet have been changed so as to conform more closely to ceiling prices established for these products under the General Ceiling Price Regulation. Information received by the Office of Price Stabilization indicates that both slaughterers who sell and retailers, who buy these items for resale, maintain that the ceilings heretofore established were too high.

Since the extra charge for koshering has been applied to the foresaddle and to other variety meat items, there is no need for a substantial difference between kosher and non-kosher feet. Also, no kosher addition is provided for calves' heads because studies indicate that there has customarily been little or no difference between kosher and non-kosher heads. The definitions of calves' heads, contained in Appendices 5 (k) and 5 (j) (1) have been modified to conform to the customary industry practices.

5. Maritime veal (semi-fabricated), sometimes referred to as veal prepared according to the old War Shipping Administration specifications, was not priced or defined in CPR 101 because the Office of Price Stabilization was informed that it was no longer prepared or used. It has since come to the attention of this agency that a demand for this item exists in the trade, and, accordingly, the regulation is beng amended to permit sales of, and establish ceiling prices for such maritime veal.

The definitions and the packing requirements for maritime veal were originally developed for use by the War Shipping Administration during World War II. Since that time the specifications for this product and its packing have changed to some extent. Since maritime veal is prepared under the supervision of official graders of the United States Department of Agriculture, the applicable specifications set forth by that Department have been used in this regulation.

No boxing or packaging addition may be made on sales of maritime veal since these costs have been incorporated in the basic prices set forth in Schedule VI. Freezing costs vary widely in different areas, therefore it is felt that the most equitable way of allowing a freezing addition is to permit the seller to add his actual cost to the basic prices. On sales to ship suppliers the only additions permitted are the actual cost of freezing and the local delivery addition, since all other expenses have been considered in the computation of the basic prices.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 4 is amended by adding the following new section 4 (d):

(d) *Miscuts prepared prior to the effective date of this regulation.* Notwithstanding any contrary provision contained in this regulation, you may sell any veal cut produced before December 12, 1951, and not cut according to the definitions contained in this regulation, on the following conditions:

(1) You must first file with your District Office of Price Stabilization a complete inventory of the amount of such veal cuts on hand, listing each cut and the quantity (by weight) thereof. (You may use your inventory records or you may actually weigh such veal cuts to determine the quantity);

(2) Your invoice for any sale of such a veal cut must bear the statement: "Sold under Sec. 4 (d) of CPR–101," and must show the descriptive name of the most similar cut defined by this regulation;

(3) You must complete sale and delivery of any such veal cuts before June 12, 1952;

(4) You must not sell any veal cut under this section 4 (d) at a price higher than the ceiling price provided in this regulation for the defined cut which is most similar to such veal cut.

2. Section 12 (c) is amended to read as follows:

(c) If you are a retailer and you desire to obtain the written permission referred to in section 12 (b), you must file before June 1, 1952, with the District Office of Price Stabilization for the area where your selling establishment is located, a written application showing the following:

(1) Your name and address and the name and address of your retail store;

(2) A statement that you customarily bought, with the hide on, all or a substantial percentage of the total number of veal carcasses you purchased in any consecutive three-month period during 1951; a substantial percentage, as used in this section 12, means, generally, 25 percent or more;

(3) The actual number, or your best estimate of the number, of veal carcasses you purchased with the hide on and the total number, or your best estimate of the total number, of veal carcasses, including both hide-on and hide-off veal carcasses, that you purchased in any consecutive three-month period during 1951 and the beginning and ending dates of this period; you may use your records of hide sales in making these estimates;

(4) The name or names of the persons or firms from whom you have customarily bought hide-on veal carcasses;

(5) The names and addresses of the persons or firms to whom you have customarily sold skins taken from the hide-on veal carcasses you purchased;

(6) A statement that you have facilities for grade-marking veal carcasses after skinning, as required by Distribution Regulation 2;

(7) The signature and title of the owner, or of a responsible officer of the retail store.

2a. Section 12 (d) is amended to read as follows:

(d) Upon receipt of a properly filed application and upon a finding that you customarily bought with the hide on all or a substantial percentage of the total number of veal carcasses you purchased during the 3-month period you used under sections 12 (c) (2) and (3) above and that you have facilities for grade-marking veal carcasses after skinning, as required by Distribution Regulation 2, the Office of Price Stabilization will issue a written permission to you authorizing you to buy hide-on veal carcasses weighing 150 pounds or less, each. Such written permission will be denied or revoked if, at any time, it appears that:

(1) You made any false or misleading statements in your application filed under section 12 (c);

(2) At any time after February 6, 1952, you purchased any hide-on veal carcasses weighing more than 150 pounds each;

(3) At any time after March 15, 1952, you purchased any hide-on veal carcasses without the written permission required by this section;

(4) You do not have facilities for grade-marking hide-on veal carcasses after skinning, as required by Distribution Regulation 2;

(5) You violated any of the grade-marking requirements of Distribution Regulation 2.

3. Section 12 (e) is amended to read as follows:

(e) If you desire permission to buy hide-on veal carcasses, as provided in this section, you must mail your application to the District Office before June 1, 1952. Applications postmarked after May 31, 1952, will be denied. You may not buy hide-on veal carcasses unless you receive the written permission referred to in this section. Also, you may not buy such hide-on veal carcasses after you have received a notice in writing from the District Office that such permission has been revoked.

4. Section 16 is amended by deleting the present section 16 in its entirety and substituting therefor a new section 16 to read as follows:

SEC. 16. *Exemption of experimental cuts for defense procurement.* (a) If you desire to prepare and sell experimental cuts for defense procurement which differ from the cuts defined in Appendices 2 through 6 of this regulation, you may apply for written authorization by filing a signed application with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C. This application must contain the following:

(1) The name and address of your selling establishment;

(2) A description of the experimental cuts, the approximate volume (by weight) of each experimental cut which you propose to produce, and the length of time to which the experimental work involved in the production of each such cut is to be limited;

(3) A statement that the data and other results obtained from the experimental work and the production of such cuts will be made available to the Office of Price Stabilization upon request;

(4) A certification by the Secretary of Defense or his authorized agent stating that the proposed experimental work is believed necessary and appropriate to improve present methods of procurement for the Department of Defense and that the plant or establishment to be authorized to engage in such experimental work is physically capable of conducting such work in an efficient manner.

(b) Upon receipt of this application, the Director of Price Stabilization may grant written authorization permitting you to engage in experimental work, on such experimental cuts as he may designate, in such amounts and for such periods of time as he may determine, subject to such reporting and record keeping requirements as may be appropriate, and to sell such experimental cuts pursuant to defense procurement contracts. The Director of Price Stabilization may at any time disapprove or modify the prices established by such contracts.

5. Section 24, Schedule V, is amended by deleting lines 5, 6, 10, 11, and 12 and substituting the following:

(1)	Non-Kosher (2)	Kosher (3)	Sales to purveyors of meals by— Hotel supply houses and ship suppliers (4)	Peddlers and combination distributors (5)	Others (6)
5. Feet, scalded	$17.00	$20.00	$21.00	$21.00	$21.00
6. Feet, green	6.00	7.00	7.50	7.50	7.50
10. Head, unskinned	5.50	5.50	7.00	6.50	6.00
11. Head, skinned	8.50	8.50	10.00	9.50	9.00
12. Head, scalded	17.50	17.50	21.00	20.00	19.00

6. Article II is amended by adding the following new section 25:

SEC. 25. *Schedule VI—Maritime Veal (semi-fabricated).*

(All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may add the applicable addition in section 41. No other additions may be taken, except as stated below.)

Your ceiling price for each grade of maritime veal (semi-fabricated) for sales to ship suppliers is the price listed below for the zone in which your distribution point is located.

Grades	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Prime and choice	65.00	63.90	63.40	62.30	62.90	63.40	63.90	64.50	65.00	65.60
Good	63.30	62.20	61.70	60.60	61.20	61.70	62.20	62.80	63.30	63.90
Commercial	58.30	57.20	56.70	55.60	56.20	56.70	57.20	57.80	58.30	58.90
Utility	53.70	52.60	52.10	51.00	51.60	52.10	52.60	53.20	53.70	54.30

SPECIAL ADDITIONS FOR SCHEDULE VI

1. On sales to a ship supplier, you may add to the prices listed above:

(a) If the maritime veal was frozen at a commercial freezer, the actual charge for the freezing; or

(b) If the maritime veal was frozen in your own freezer, the actual cost of freezing, but in no event more than the rate for the corresponding service at the nearest commercial freezer. All freezing charges must be separately itemized on your invoice.

2. On sales to ship operators, you may add $5.00 per cwt. to the prices listed in this schedule, but you may not add any other addition.

7. Appendix 5 (j) (1) is amended to read as follows:

(j) (1) *Head, skinned* means a calf head thoroughly cleaned with the entire skin, eyelids, and eardrums removed. The throat and nostrils shall be thoroughly flushed and the tongue shall be left in the head.

8. Appendix 5 (k) is amended to read as follows:

(k) *Head, scalded* means heads thoroughly cleaned and scalded with all hair and the eyelids and eardrums removed, but with the skin left on. The throat and nostrils shall be thoroughly flushed and the ragged edges of skin around the head and esophagus trimmed off. The tongue shall be left in.

9. Appendix 6 is amended by adding the following new definition for maritime veal (semi-fabricated) to be designated Appendix 6 (e) and to read as follows:

(e) *Maritime Veal (semi-fabricated)* means veal or calf prepared and packed as follows:

(1) All tails must be removed.

(2) No veal or calf carcass, weighing less than 85 pounds or more than 190 pounds chilled, skinned, dressed weight, shall be fabricated. Each fabricated quarter of veal shall be individually wrapped and packed one, two, or three sides to each container in such a manner as to utilize all available space in the container.

(3) The carcass shall be quartered by splitting in half through the center of the chine bone to make two sides, and dividing each side into a forequarter and a hind-quarter by cutting between the twelfth and thirteenth ribs, keeping the knife firmly against the twelfth rib following the curvature of the rib to the joint where the twelfth rib turns, and continuing the cut through the cartilage and meat of the flank at a right angle to the chine bone, then cutting through the chine bone between the twelfth and thirteenth ribs. The bones of the fore-shank shall be completely removed by cutting on each side of the bone from the elbow to the knee joint, on the inside of the shank and cutting under the bone so as to leave the shank meat in one piece and attached to the fore-quarter. The cords at the knee shall be severed where they join the lean meat. The bones of the hind shank shall be completely removed by cutting on each side of the bone from the stifle to the hock joint on the inside of the shank,

and cutting under the bone so as to leave the meat of the hindshank in one piece and attached to the hind-quarter. The cords at the hock joint, including the gambrel cord, shall be severed where they join the lean meat. Ragged or loose pieces of foreshank or hindshank meat shall be removed.

(4) All fabricated meats shall be in prime condition and in a thoroughly frozen state at the time of delivery and shall show no evidence of defrosting or refreezing.

(5) All dressed carcasses of veal and calf, designed for ship stores fabrication shall be inspected and passed by the Meat Inspection Division, United States Department of Agriculture, at the time of slaughtering. The fabricating, including cutting, boning, trimming, packaging, weighing, and freezing shall be supervised and certified to by any official grader of the Standardization and Grading Division, Livestock Branch, United States Department of Agriculture.

(6) Each fabricated quarter of veal or calf shall be wrapped separately before packing in a waxed paper approved by an official grader of the Standardization and Grading Division, Livestock Branch, United States Department of Agriculture. The wrapping used shall be nontoxic and shall impart no odor to the product.

(7) The product (before freezing) shall be packed in a solid fiberboard shipping container conforming with specifications 02MG No. 93; or as amended, Subject: Boxes fiberboard, corrugated and solid, style F. T. C., type SF, Grade 3.

The solid fiberboard container shall contain no asphalt and shall be made of material which will impart no odor to the contents.

(8) Wood boxes constructed according to federal specifications NN-B-621A and of all new material may be used in place of the fiberboard box described in (7) above if they have been hot-waxed on all interior surfaces or if they are completely lined with the waxed paper referred to in (6) above.

(9) At least two flat steel straps or two #14 or #15 gauge wires shall be securely and tightly wrapped about the wood box.

(10) At least three flat steel straps or three #14 or #15 gauge wires shall be securely and tightly wrapped about the fiberboard container.

(11) Preparation and packaging of maritime veal (semi-fabricated) shall be under the supervision of, and must be approved by, an official grader of the Standardization and Grading Division, Livestock Branch, United States Department of Agriculture.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective April 28, 1952.

You may, however, adopt in whole the provisions of this regulation at any time before the effective date.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 22, 1952.

[F. R. Doc. 52-4656; Filed, Apr. 22, 1952; 4:04 p. m.]

[Ceiling Price Regulation 34, Amdt. 3]

CPR 34—SERVICES

ADJUSTMENT OF CEILING PRICES FOR NEW SERVICE SELLERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 3 to Ceiling Price Regulation 34 provides that ceiling prices for services supplied by sellers, without normal earnings experience in the pre-Korean period because they have been in business a relatively short time, may be adjusted upon a showing of financial hardship under section 20 (a) of that regulation. Before Amendment 2 to Ceiling Price Regulation 34 became effective on January 14, 1952, sellers regardless of when they entered into business, could apply for relief under this section upon a demonstration of substantial financial hardship threatening their ability to continue to supply a service. By Amendment 2 to Ceiling Price Regulation 34, section 20 (a) was revised so that it appeared to apply to only those suppliers of services who had suffered an impairment of normal earnings in a representative pre-Korean period. This amendment clearly restores the broader scope to section 20 (a).

In order to qualify for relief under this amendment the seller of services must show first, that he had no normal earnings in a representative pre-Korean period because his service business is relatively new. It must also appear, if the facts can be reasonably ascertained, that his present ceiling prices for services are below the prevailing level for such services in his trading area. Finally, the applicant must show that his ceiling prices are causing or will cause him to operate his service business at a loss.

The technical nature and routine character of the provisions of this amendment made it impracticable to consult formally with industry representatives, although wherever feasible various representatives from service fields were informally consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 20 (a) of Ceiling Price Regulation 34, as amended, is further amended by adding after the first sentence thereof, the following: "OPS will also adjust your ceiling prices upon a showing that you had no normal earnings, in a representative pre-Korean period, because your service business is relatively new; that your ceiling prices are below the prevailing level of ceiling prices for the same services in your trading area; and that because of the level of your ceiling prices, your service business is, or will soon be, operated at a loss."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 34 is effective April 28, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization

APRIL 23, 1952.

[F. R. Doc. 52-4669; Filed, Apr. 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 16]

CPR 34—SERVICES

SR 16—WHOLESALE LABOR WARRANTY SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 16 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 16 to Ceiling Price Regulation 34, as amended, permits a manufacturer who introduces a new commodity or a new model of an existing commodity to apply for a ceiling price for the new wholesale labor warranty service to be furnished in connection with the sale of this commodity.

Many products, especially in the household appliances field, carry with their sale to the consumer a period of guarantee or warranty. Generally, the retail dealer performs any necessary service in connection therewith. However, some manufacturer and distributor organizations find it more desirable to appoint firms that primarily perform repair services to handle much or all of such guarantee or warranty work in their appointed areas. These are called central service firms (or stations). The arrangement usually provides that the manufacturer or distributor pay, to the dealer or central service firm responsible for performing the service, a stipulated amount for each product, sold in the area, to which a guarantee or warranty is applicable.

In order to be eligible to apply under this supplementary regulation, a manufacturer or distributor must have customarily set or proposed uniform prices which were uniformly adopted throughout the United States for its wholesale labor warranty arrangements. The manufacturer or distributor qualifying hereunder may apply for a ceiling price for the new wholesale labor warranty service in line with customary prices in the industry and with the level of ceiling prices established by Ceiling Price Regulation 34. In determining whether a requested ceiling price is in line with ceiling prices established for similar warranty services OPS will give consideration to relative costs of rendering these services. In the absence of such a provision it would be necessary for each dealer or central service firm to individually apply for a wholesale labor warranty service ceiling price for each new commodity or new model of a commodity

introduced by a manufacturer. This regulation will, therefore, substantially reduce the administrative burden which would otherwise face both the affected industries and the Office of Price Stabilization.

In view of the technical nature of the provisions of this regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Application for ceiling prices for wholesale labor warranty services.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits a manufacturer offering for sale a new commodity or a new model of an existing commodity to apply for a ceiling price for its new wholesale labor warranty service if such manufacturer has customarily set or proposed uniform prices which have been uniformly adopted throughout the United States for its wholesale labor warranty arrangements.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, except the provisions of section 18 (c) thereof, shall remain in effect for all sellers of affected wholesale labor warranty services. All buyers of affected wholesale labor warranty services shall be subject to all applicable provisions of Ceiling Price Regulation 34, including section 9 thereof.

SEC. 3. *Application for ceiling prices.* (a) If you are a manufacturer offering for sale a new commodity or a new model of an existing commodity and it has been your custom to set or to propose uniform prices which have been adopted uniformly throughout the United States for certain wholesale labor warranty services sold by your authorized dealers or central service firms to you or your distributor organization or organizations as an incident of the sale of such new commodity or new model, you may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service in line with the level of ceiling prices established by this regulation.

(1) Your application must contain a description of the wholesale labor warranty service, anticipated direct labor costs and anticipated direct material costs, the basis used for making the determination of cost (such as the actual annual or other representative period average cost for a similar service upon a similar commodity) and the proposed ceiling price. In addition, you must submit a description of the most comparable wholesale labor warranty service furnished by retail dealers or central service firms to you or to your wholesale distributor or distributors showing the present annual or other representative period average direct labor costs and direct material costs for such wholesale labor warranty service and the present ceiling price therefor. Where there is no comparable wholesale labor warranty service to you or your distribution organization or where the above cost data cannot be obtained to substantiate the proposed price, you must furnish a description and ceiling price for any comparable wholesale labor warranty service furnished by retail dealers or central service firms on competing products of two or more other manufacturers.

(2) You may not establish your ceiling price for the wholesale labor warranty service for your dealers or central service firms under this subsection until that price is approved by Special Order of OPS and is published in the Federal Register.

Effective date. This Supplementary Regulation 16 to Ceiling Price Regulation 34, as amended, is effective April 28, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4666; Filed, Apr. 23, 1952; 10:25 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Revision 1 to Supplementary Regulation 2]

GCPR, SR 2—RETAIL COAL DEALERS

ADJUSTED CEILING PRICES IN MILWAUKEE COUNTY, WISCONSIN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This action authorizes an increase of 20 cents per ton in the ceiling prices of solid fuels sold directly to domestic purchasers by the retail dealers of Milwaukee County, Wisconsin. Adjustment of Milwaukee coal ceiling prices is necessitated by substantial increases in local yard and delivery wage costs. These increases have resulted from the establishment of higher rates and fringe benefits under a local contract approved October 17, 1951, by the Wage Stabilization Board.

The amendment also provides that the ceiling prices of solid fuels sold in interdealer transactions be increased by 10 cents per ton. The latter adjustment recognizes the fact that in such transactions the selling dealer incurs cost only up to the point of delivery. The buying dealer performs the delivery service on resale to the consumer. Therefore, the recovery of wage cost increases in these instances must be split between the seller (yard wage costs) and the buyer (delivery wage costs). The selling dealer is permitted to raise his ceiling price to the buying dealer by 10 cents per ton, and the buying dealer is permitted to increase his ceiling price to the consumer by the full 20 cents per ton over his present ceiling price. Each such dealer is thus permitted a net adjustment of 10 cents per ton.

The ceiling price increases authorized are intended as interim increases, subject to final adjustment on the basis of a comprehensive earnings survey of the retail solid fuels industry which is now in process. This survey will determine the earnings position of retail solid fuels dealers under the industry earnings standard and will establish the magnitude of any industry solid fuels adjustments required thereby.

The demonstrated need for immediate relief has prompted interim action in Milwaukee County. Data made available to the Agency show that the earnings of the Milwaukee dealers have declined sharply in the period 1946–1951, and that in a substantial number of cases losses are currently being incurred. This action, which allows the general level of Milwaukee solid fuels prices to rise by less than one percent, recognizes that the dealers are not able to absorb cost increases without serious financial hardship. The magnitude of the Milwaukee wage adjustment necessitates interim relief at this time.

In the judgment of the Director of Price Stabilization the provisions of this amendment to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended by adding a new paragraph (g) as follows:

(g) Retail coal dealers in Milwaukee County in the State of Wisconsin may add to the ceiling prices previously established under this supplementary regulation for each size and kind of solid fuel sold by such dealers, the amount stated below:

(1) Where the retail dealer sells directly to the domestic purchaser: 20 cents per net ton.

(2) Where the retail dealer sells to a reseller: 10 cents per net ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to SR 2, Revision 1, to the GCPR shall become effective April 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4663; Filed, Apr. 23, 1952; 10:26 a. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 3]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

ADJUSTMENT OF CEILING PRICE OF SOYBEAN MEAL AND OTHER SOYBEAN PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 3 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation (SR) 3 to the General Ceiling Price Regulation (GCPR) increases the processors' ceiling price for soybean chips, soybean flakes, soybean oil cake, and 41 and 44 percent soybean oil meal to $81.00 per ton in carload lots, bulk, f. o. b. Decatur, Illinois.

The ceiling price for these soybean products was originally set at $74.00 by SR 3, issued on February 14, 1951. Ceiling Price Regulation (CPR) 6, issued simultaneously with SR 3, set dollars-and-cents ceiling prices for soybean and other vegetable oils. At the time these regulations were issued, the market prices for soybean oil were pressing tight against the ceiling. The issuance of the GCPR had arrested the sharp price increases in fats and oils which occurred following the outbreak of hostilities in Korea. The ceiling prices for soybean and cottonseed oils set by CPR 6 represented a rollback of individual GCPR ceilings. This rollback was designed to diminish a squeeze in the profit margins of processors of products for which the oils are a raw material. The squeeze was caused by a distorted relationship between GCPR ceilings for the oils and the end products.

Soybeans were not brought under price control by the GCPR, but in view of rapidly rising market prices, SR 3 also established ceiling prices for soybeans for producers and at the various levels of distribution. As stated in the Statement of Considerations accompanying SR 3, soybean ceiling prices were set at a level which adequately reflected the legal minimum price as determined by the Secretary of Agriculture.

On the other hand, at the time of the issuance of SR 3, market prices for soybean meal were declining and were substantially below the $74.00 ceiling price. The $74.00 ceiling price also exceeded individual ceilings for soybean meal established under the GCPR. Supplies of soybean meal appeared to be adequate to meet demand in view of the record size of the 1950 soybean crop. The ceiling prices for soybean oil and soybean meal together reflected the legal minimum price for soybeans and provided generally fair and equitable margins for soybean processors. In view of the circumstances prevailing at the time of the issuance of SR 3, the soybean meal ceiling price was believed high enough to provide a reasonable relationship with corn for livestock feeding.

Conditions have changed substantially since the issuance of SR 3. There is now a much greater demand for all feeds than there was in early 1951. Demand for high protein feeds has become especially strong. Although total production of high protein feeds has continued to be high, it has not kept pace with increased demand due to the increase in livestock numbers. Consequently, the supply of high protein feed available per animal unit has declined. This increased demand has resulted in a much firmer market for all high protein feeds. Market prices for soybean meal have been tight against the ceiling since November, 1951. On the other hand, because of plentiful supplies, prices of edible fats and oils have declined drastically. Cottonseed oil and soybean oil are currently selling at prices which are about 50 percent of the ceilings for these commodities fixed by CPR 6.

Under these circumstances, the Director has determined that it is now necessary to adjust soybean meal ceiling prices to a point which reflects more closely the historical price relationship between soybean meal and competing feeds, and to adjust ceiling prices for soybean oil to more realistic levels. Action is also being taken to amend CPR 6 to lower the ceiling price for crude soybean oil from 20.5 cents per pound to 16.5 cents per pound, f. o. b. Decatur, Illinois.

This amendment to SR 3 increases the ceiling price for processors of soybean oil meal to $81.00 per ton, bulk, in carload lots, f. o. b. Decatur, Illinois. The ceiling price set by this amendment is based upon the relationship of soybean meal to corn. Corn is the principal livestock feed used in the United States. It represents about 60 per cent of all feed concentrates fed to livestock in this country. An additional 30 per cent of the feed concentrates are composed of other feed grains and by-product feeds whose prices are closely related to the price of corn. The remaining 10 per cent is composed of high protein feed supplements whose prices, over a period of time, are determined competitively on the basis of their feeding value relative to corn and other feed concentrates. Consequently, as corn prices show a close correlation with any composite index of feed prices, they provide a satisfactory and reasonable standard to which feed prices can be related.

It is true, of course, that prices of the various high protein feed supplements will vary, to some extent, in relation to one another and somewhat more widely relative to corn prices. Such variations occur because feeds are produced in different areas, have different properties, and are used for different feeding purposes. A realignment of the price of any feed, including high protein feeds, will occur whenever its price becomes out of line with its normal price relationship to other feeds and with its relative feeding value. Therefore, corn furnishes a satisfactory basis to which ceiling prices for high protein feeds can be related and is here used as the standard for soybean meal.

The ceiling price for soybean meal as set by this amendment is based upon the stable historical relationship of soybean meal and corn prices and the current parity price of corn. Since February 1951, the parity price of corn has increased from $1.71 per bushel to $1.78 per bushel. With this action, the soybean meal ceiling price is brought into line with its long-term stable relationship to the price of a principal competitor, cottonseed meal.

The ceiling price for soybean meal set by this amendment, and the ceiling price for soybean oil set by an amendment to CPR 6 which is being issued simultaneously with this order, together reflect the legal minimum price for soybeans and provide generally fair and equitable margins for processors, as provided in section 401 (d) (3) of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

The first sentence of section 1 (c) of Supplementary Regulation 3 to the General Ceiling Price Regulation is amended to read as follows:

(c) *Ceiling prices for soybean oil meal.* If you are a processor and you sell soybean chips, soybean oil cake, or 41 per cent soybean oil meal, soybean flakes, or 44 per cent soybean oil meal, your ceiling price in carload lots, bulk, is $81.00 per ton of 2,000 pounds, f. o. b. cars, Decatur, Illinois.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective April 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4667; Filed, Apr. 23, 1952; 10:25 a. m.]

[General Ceiling Price Regulation, Amdt. 10 to Supplementary Regulation 29]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

INCLUSION OF ADDITIONAL REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order

10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to Supplementary Regulation 29 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 29 originally provided for a follow-through of price increases and decreases resulting from certain enumerated manufacturers' regulations. Amendment 8 changed the language of section 1 so that changes in ceilings of suppliers other than manufacturers could also be reflected by resellers affected by purchases from such suppliers. This amendment modifies the language of section 4 to conform it to the intention of Amendment 8 and restores the last paragraph of section 1, dealing with manufacturers' excise taxes, which was unintentionally omitted in Amendment 8.

This amendment also adds Ceiling Price Regulations 76 (Glassine and Greaseproof Papers), 84 (Certain Converted Paperboard Products), 88 (Unbleached Kraft Paper), 91 (Writing Paper and Other Fine Papers), 106 (Coated and Uncoated Book Paper), 108 (Boxboard, Containerboard, and Certain Other Paperboard), 116 (Special Paperboard—Food Container and Closure Paperboard, Special Industrial Paper and Paperboard, and Cardboard), 130 (Waxed Papers), 131 (Groundwood Printing and Converting Papers), and 133 (Certain Caps, Closures, and Paper and Paperboard Cups and Containers for Moist, Liquid, Oily and Frozen Foods), to the listed regulations in section 1. Thus, wholesalers and retailers under the General Ceiling Price Regulation will be able to adjust their ceiling prices to reflect the changes in their suppliers' ceilings pursuant to these regulations.

In view of the interim and remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 29 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 1 is amended by deleting the period at the end of the first paragraph, substituting a semicolon therefor, and adding the following: "Ceiling Price Regulation 76 (Glassine and Greaseproof Papers); Ceiling Price Regulation 84 (Certain Converted Paperboard Products); Ceiling Price Regulation 88 (Unbleached Kraft Paper); Ceiling Price Regulation 91 (Writing Paper and Other Fine Papers); Ceiling Price Regulation 106 (Coated and Uncoated Book Paper); Ceiling Price Regulation 108 (Boxboard, Containerboard, and Certain Other Paperboard); Ceiling Price Regulation 116 (Special Paperboard—Food Container and Closure Paperboard, Special Industrial Paper and Paperboard, and Cardboard); Ceiling Price Regulation 130 (Waxed Papers); Ceiling Price Regulation 131 (Groundwood Printing and Converting Papers); Ceiling Price Regulation 133 (Certain Caps, Closures, and Paper and Paperboard Cups and Containers for Moist, Liquid, Oily and Frozen Foods)."

2. The title and introductory paragraph of section 4 are amended to read as follows:

SEC. 4. *Changes in wholesale and retail ceiling prices to reflect suppliers' price changes permitted by certain suppliers' regulations or certain excise tax changes.* If you are a wholesaler or retailer buying from a supplier who has changed his price for a commodity pursuant to Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) or other suppliers' regulations enumerated in section 1 of this regulation or by reason of such changes in suppliers' excise taxes as are referred to in section 1, you determine your ceiling price under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 10 to Supplementary Regulation 29 to the General Ceiling Price Regulation shall become effective April 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4670; Filed, Apr. 23, 1952; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 16]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF IRON ORE BETWEEN AFFILIATED CORPORATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from all ceiling price restrictions imposed by the Office of Price Stabilization (a) sales of iron ore between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation; and (b) sales of iron ore where all of the stock of the producing corporation is owned by corporate stockholders, the producing corporation sells all of its output of iron ore to its corporate stockholders, either directly or through an intermediary, pursuant to a contract which requires such stockholders to finance the operations of the producing corporation, and any such stockholder does not resell any ore so obtained at a price in excess of established industry-wide ceiling prices.

Although the affiliated corporations concerned in the sales affected by this action are technically separate persons under the definition set forth in the General Ceiling Price Regulation, the transactions in question are substantially similar in nature to transfers between divisions or units of a business. The "transfer values" placed on the iron ore in these transactions are arbitrary values arrived at by agreement between the affiliated corporations for bookkeeping and tax purposes. Any increase in these "transfer values" above those established as the ceiling prices by the General Ceiling Price Regulation on January 26, 1951 would not affect the level of existing prices of iron ore or of the iron and steel products made therefrom. No increases in such prices would be authorized under present OPS standards because of arbitrary increases in book "transfer values" adopted by agreement between affiliated corporations.

This amendment will not affect sales or prices of other commodities through diversion of materials, labor or facilities. Furthermore, the imposition of a ceiling price regulation over such sales would involve administrative difficulties disproportionate to their economic significance.

In the formulation of this amendment there has been consultation with industry representatives, including trade associations representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (24) is added to read as follows:

(24) *Sales of iron ore between affiliated corporations.* Sales of iron ore between affiliated corporations where either of the following conditions is met:

(i) One corporation is a wholly owned subsidiary of the other, or both are wholly owned subsidiaries of a third corporation; and all sales of iron ore by the producing corporation during the calendar years 1950 and 1951 were made to the affiliated corporation; or

(ii) All of the stock of the ore producing corporation is owned by corporate stockholders; the producing corporation sells all of its output of iron ore to its corporate stockholders, either directly or through an intermediary, pursuant to a contract which requires such stockholders to finance the operations of the producing corporation; and any such stockholder does not resell any ore so obtained at a price in excess of established industry-wide ceiling prices for such ore.

Effective date. This amendment shall become effective April 28, 1952.

(Sec. 704, 64 Stat. 816 as amended, 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4671; Filed, Apr. 23, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 7 of April 23, 1952]

NPA REG. 7—INTERPRETATIONS OF NPA REGULATIONS AND ORDERS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the

authority granted by the Defense Production Act of 1950, as amended. Consultation with industry representatives in advance of the issuance of this regulation has been rendered impracticable by the fact that this regulation applies to all trades and industries.

Sec.
1. Purpose of this regulation.
2. Definitions.
3. Official interpretations.
4. Effect of interpretations.
5. Request for an interpretation.
6. Modification or revocation.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2 E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this regulation.* The purpose of this regulation is to establish the procedure whereby members of the public may, if they wish, obtain official interpretations of regulations and orders of the National Production Authority. This regulation provides the exclusive means by which legally binding interpretations may be requested and obtained. It explains the two kinds of interpretations which are issued by NPA and regarded by it as official.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Regulation or order" means an NPA regulation or order, and includes all other published NPA documents of a regulatory nature, such as amendments, supplements, schedules, and directions.

(c) "NPA" means the National Production Authority.

SEC. 3. *Official interpretations.* (a) Official interpretations of NPA are either published or unpublished, as described in this section. An interpretation of a provision of a regulation or order is a written statement of the legal effect of such provision. No interpretation is legally binding upon NPA unless issued in accordance with this regulation.

(b) A published interpretation is an official interpretation issued by NPA and published in the FEDERAL REGISTER. An interpretation will be published in the FEDERAL REGISTER when it is deemed by NPA to be for the guidance of the public.

(c) An unpublished interpretation is an official interpretation by NPA issued in writing to a person, which interprets a regulation or order with respect to a specific transaction or operation not deemed by NPA to be of general interest or applicability, and which is signed as provided in this regulation. Unpublished interpretations will be regarded by NPA as official only when signed by the Administrator or Deputy Administrator of NPA, or by the General Counsel, the Associate General Counsel, or an Assistant General Counsel of NPA.

SEC. 4. *Effect of interpretations.* A published interpretation shall afford protection to and be binding upon every person who is affected by the regulation or order interpreted, with the same force and effect as such regulation or order. An unpublished interpretation shall afford protection to and be binding upon only the particular person to whom it is addressed and shall apply only to the particular facts with respect to which it is given. Action taken in good faith in reliance upon and in conformity with an official interpretation by a person to whom, and in a factual situation to which, it applies shall constitute compliance with the provision of the regulation or order interpreted, provided that neither such provision nor the official interpretation has previously been modified or revoked.

SEC. 5. *Request for an interpretation.* (a) Any person affected by any provision of a regulation or order may request in writing an interpretation of such provision. The request must refer to the particular provision of the regulation or order with respect to which an interpretation is desired and shall state in full the facts and the names and addresses of the persons, if any, involved in the transaction. If an interpretation of the same provision concerning substantially the same facts has, to the knowledge of the person making the request, previously been requested or obtained, he shall so state and identify the official from whom the previous interpretation was requested or obtained. No interpretation will be given concerning any question which is hypothetical.

(b) Except as otherwise stated in this paragraph every request for an interpretation shall be by letter in triplicate addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. ____ or NPA Order M-____ (insert the appropriate number), or to the National Production Authority at the field office of the United States Department of Commerce located nearest to such person's place of business, Ref: (same as above). In the case of any NPA regulation or order which provides that any communication concerning it shall be addressed to another Government department or agency, or official thereof, every request for an interpretation of such regulation or order shall be forwarded to that department, agency, or official at the address appearing therein.

SEC. 6. *Modification or revocation.* An official interpretation may be modified or revoked only by another official interpretation subsequently issued, or by an amendment or other modification of the regulation or order interpreted, subsequently issued: *Provided however,* That such subsequent interpretation, amendment, or modification shall not be deemed to modify or revoke the earlier interpretation except to the extent that it is inconsistent with the earlier interpretation.

This regulation shall take effect April 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-4683; Filed, Apr. 23, 1952; 11:49 a. m.]

[NPA Order M-6A, Schedule 3 of April 23, 1952]

M-6A—STEEL DISTRIBUTORS

SCHED. 3—NICKEL-BEARING STAINLESS STEEL PRODUCTS

This schedule to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this schedule, consultation with industry representatives has been rendered impracticable due to the need for immediate action. This schedule is issued under NPA Order M-6A and is made a part of that order.

Sec.
1. What this schedule does.
2. Definitions.
3. Distributors' deliveries.
4. Canadian distributor deliveries.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this schedule does.* This schedule prohibits delivery of nickel-bearing stainless steel products by steel distributors except pursuant to authorized controlled material orders.

SEC. 2. *Definitions.* All definitions contained in NPA Order M-6A are applicable to this schedule.

SEC. 3. *Distributors' deliveries.* (a) No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver any nickel-bearing stainless steel product unless such delivery is made pursuant to an authorized controlled material order.

(b) No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver any nickel-bearing stainless steel product if he knows or has reason to believe that the person to whom the delivery is to be made may not accept delivery of such nickel-bearing stainless steel product, or that he will use the nickel-bearing stainless steel product in violation of the provisions of NPA Order M-80 or of any other applicable order or regulation of NPA.

(c) Any person placing an order for a nickel-bearing stainless steel product with a steel distributor located within the United States shall endorse on his purchase order, or deliver with such purchase order, the following certification

which shall be signed as provided in section 8 of NPA Reg. 2:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the nickel-bearing stainless steel product herein ordered will not be in violation of NPA Order M-80.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the nickel-bearing stainless steel product ordered may be accepted by the purchaser under NPA Order M-80, and that such nickel-bearing stainless steel product will not be used by the purchaser in violation of that order.

SEC. 4. *Canadian distributor deliveries.* Deliveries of nickel-bearing stainless steel products will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 5. *Communications.* All communications regarding this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M-6A, Schedule 3.

This schedule shall take effect April 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-4684; Filed, Apr. 23, 1952; 11:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 5]

RR 1—HOUSING

NOTICE REQUIRED

Effective April 24, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of April 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Section 201 (b) is amended to read as follows:

(b) Every such notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under sections 181 to 186 upon which the landlord relies for removal or eviction of the tenant, the facts necessary to establish the existence of such ground, and the date when the tenant is required to surrender possession. Where the basis relied upon for removal or eviction of a tenant is non-payment of rent the notice shall also include a statement of the amount of the rent due and the rental period or periods for which such rent is due. A written copy of every notice required by this section shall be filed with the area rent office within 24 hours after such notice is given to the tenant.

[F. R. Doc. 52-4627; Filed, Apr. 23, 1952; 8:55 a. m.]

[Rent Regulation 2, Amdt. 4]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

NOTICE REQUIRED

Effective April 24, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of April 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Section 201 (b) is amended to read as follows:

(b) Every such notice to a tenant to vacate or surrender possession of a room shall state the ground under this regulation upon which the landlord relied for removal or eviction of the tenant, the facts necessary to establish the existence of such ground, and the date when the tenant is required to surrender possession. Where the basis relied upon for the removal or eviction of a tenant is nonpayment of rent the notice shall also include a statement of the amount of the rent due and the rental period or periods for which such rent is due. A written copy of every notice required by this section shall be filed with the area rent office within 24 hours after such notice is given to the tenant.

[F. R. Doc. 52-4626; Filed, Apr. 23, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 6]

RR 3—HOTELS

NOTICE REQUIRED

Effective April 24, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of April 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Section 101 is amended to read as follows:

SEC. 101. *Notice required.* (a) No tenant shall be removed or evicted from a room by court process or otherwise and no action or proceeding shall be commenced for such purpose upon any of the grounds permitted in sections 96 to 98, inclusive, including an action based upon non-payment of rent, unless and until the landlord shall have given written notice to the Area Rent Office and to the tenant as provided in this section 101.

(b) Every such notice to a tenant to vacate or surrender possession of a room shall state the ground under this regulation upon which the landlord relies for removal or eviction of the tenant, the facts necessary to establish the existence of such ground, and the date when the tenant is required to surrender possession. Where the basis relied upon for removal or eviction of a tenant is nonpayment of rent the notice shall also include a statement of the amount of the rent due and the rental period or periods for which such rent is due. A written copy of every notice required by this section 101 shall be filed with the Area Rent Office within 24 hours after such notice is given to the tenant.

(c) Every such notice shall give to the tenant a period not less than the following periods prior to the date specified therein for the surrender of possession and to the commencement of any action for removal or eviction: In cases arising under sections 96 to 98, inclusive, a period not less than 10 days; and in cases where the basis relied upon in such notice for removal or eviction is nonpayment of rent, a period not less than three days.

[F. R. Doc. 52-4628; Filed, Apr. 23, 1952; 8:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 52-3]

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

By virtue of the authority vested in me as Secretary of the Treasury by Public Law 220, 82d Cong., 1st Sess., approved October 25, 1951, the regulations in Part 52 of Title 33, Chapter I, are cancelled and the following regulations are issued in lieu thereof:

SUBPART 52.01—GENERAL PROVISIONS

Sec.
52.01-1 Basis and purpose.
52.01-5 Authority.
52.01-10 Application for relief.

SUBPART 52.05—CONSTITUTION, FUNCTION, AND JURISDICTION

52.05-1 Establishment of the Board.
52.05-5 Function.
52.05-10 Jurisdiction.
52.05-15 Denial of application.
52.05-20 Stay of proceedings.

SUBPART 52.10—COUNSEL, WITNESSES AND EXPENSES

52.10-1 Counsel.
52.10-5 Witnesses.
52.10-10 Expenses.

SUBPART 52.15—NOTICE OF HEARING AND APPEARANCE

52.15-1 Notice of hearing.
52.15-5 Appearance.
52.15-10 Nonappearance.

SUBPART 52.20—HEARINGS

52.20-1 Convening the Board.
52.20-5 Conduct of hearing.
52.20-10 Procurement of evidence.
52.20-15 Access to official records.
52.20-20 Continuance.
52.20-25 Withdrawal.
52.20-30 Reporting.

SUBPART 52.25—JUDGMENT AND DISPOSITION

52.25-1 Findings and decision.
52.25-5 Minority report.
52.25-10 Record.
52.25-15 Action by the Secretary.
52.25-20 Orders.
52.25-25 Notification.
52.25-30 Appeal.

SUBPART 52.30—PAYMENT OF CLAIMS

52.30-1 Authority to pay.
52.30-5 Procedures.

AUTHORITY: §§ 52.01–1 to 52.35–1 issued under sec. 8, 18 Stat. 127, as amended; 14 U. S. C. 92. Interpret or apply sec. 207, 60 Stat. 837, Pub. Law 220, 82d Cong.; 5 U. S. C. 275.

SUBPART 52.01—GENERAL PROVISIONS

§ 52.01–1 *Basis and purpose.* This part establishes the procedures for making application, and the consideration of applications, for correction of military records by the Board for Correction of Military Records of the Coast Guard and the manner in which claims or continuing monetary benefits will be settled.

§ 52.01–5 *Authority.* (a) Section 131 of the Legislative Reorganization Act of 1946 (60 Stat. 831) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of a military or naval record shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same act, as amended (Public Law 220, approved October 25, 1951, 5 U. S. C. 275), provides that the Secretary of the Treasury, acting through a board of civilian officers or employees, is authorized to correct any military record where in his judgment such action is necessary to correct an error or remove an injustice. This statutory authority is construed as a substitute for the correction of military or naval records by legislative action and as conferring jurisdiction on the Secretary of the Treasury, consistent with existing law, substantially equivalent to that previously exercised by the Congress.

(b) Corrections made under this authority are final and conclusive on all officers of the Government except when procured by means of fraud.

§ 52.01–10 *Application for relief.* The claimant, his heirs at law, or legal representative must submit a written request to the Senior Member, Board for Correction of Military Records of the Coast Guard, Washington, D. C., prior to October 25, 1961, or within three years of discovery of the alleged error or injustice, whichever be the later. The failure to file such request within the time prescribed may be excused by the Board on its findings that it is in the interest of justice to do so.

(b) Application for relief must be made on DD Form 149, or CG Form 10092 (Application for Correction of Military or Naval Records), or exact facsimile thereof. Forms and explanatory matter may be obtained from the Senior Member, Board for Correction of Military Records of the Coast Guard, Washington, D. C.

(c) The application will be executed under oath or will contain provision that the statements submitted in the application, as a part of the claim, are made with full knowledge of the penalty provided by law for making false statement (18 U. S. C. 1001) or false claim against the Government (18 U. S. C. 287).

(d) If the record in question is that of a person who is deceased or incompetent, legal proof of death or incompetency must accompany the application. In such event, the application may be signed by a spouse, widow, widower, next of kin or legal representative, accompanied by satisfactory evidence of the required relationship.

SUBPART 52.05—CONSTITUTION, FUNCTION AND JURISDICTION

§ 52.05–1 *Establishment of the Board.* (a) Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946, as amended, the Board for Correction of Military Records of the Coast Guard, hereafter referred to as the Board, is established in the Office of the Secretary of the Treasury.

(b) The Board shall consist of three members designated from a panel of civilian officers or employees appointed by the Secretary of the Treasury. Two members present shall constitute a quorum of the Board.

§ 52.05–5 *Function.* The function of the Board will be to review the application for relief together with all pertinent military or naval records to determine whether an error has been made in the Coast Guard records, or whether, under normal standards of military law, administration and practice, the subject of the application has suffered a wrong as the result of an error of omission or commission in his records or, through some manifest injustice in the treatment accorded him, and to recommend to the Secretary of the Treasury the action to be taken on each application.

§ 52.05–10 *Jurisdiction.* (a) The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law and such directives as may be issued by the Secretary of the Treasury.

(b) The Board shall not review any matter where other adequate legal or administrative remedy exists, except where such remedy has been exhausted or upon authorization of the Secretary of the Treasury.

§ 52.05–15 *Denial of application.* (a) It shall be adequate ground for denial of any application that no basis for review has been established or that effective relief cannot be granted.

(b) In order to justify a hearing for correction of a military record, it is incumbent upon the applicant to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the records was erroneous or has worked an injustice upon him.

§ 52.05–20 *Stay of proceedings.* The filing of an application with the Board for relief shall not operate as a stay of any proceedings taken against the person involved.

SUBPART 52.10—COUNSEL, WITNESSES AND EXPENSES

§ 52.10–1 *Counsel.* As used in this part the term "Counsel" will be construed to include members of the Federal Bar in good standing, the bar of any State in good standing, accredited representatives of Veterans Organizations recognized by the Veterans Administration under section 200 of the act of June 29, 1936 (38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review, notwithstanding the provisions set forth in Part 10 of Title 31 of the Code of Federal Regulations.

§ 52.10–5 *Witnesses.* (a) In any case in which hearing is authorized the applicant will be permitted to present witnesses in his behalf.

(b) It will be the responsibility of the applicant to notify his witnesses and to insure their appearance at the time and place set for hearing.

§ 52.10–10 *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

SUBPART 52.15—NOTICE OF HEARING AND APPEARANCE

§ 52.15–1 *Notice of hearing.* (a) In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice, with the report of the Examiner in the case, will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of the hearing; except that an earlier date may be set where the applicant waives his right to such notice in writing.

§ 52.15–5 *Appearance.* An applicant who requests a hearing and who, after being notified of the time and place of hearing, fails without good cause to appear at the appointed time and place, either in person or by counsel, will be deemed to have waived his right to be present, and the Board may proceed with the consideration and determination of the case.

§ 52.15–10 *Nonappearance.* Cases in which the applicant, after being duly notified, indicates that he does not desire to appear in person, with or by counsel and/or witnesses, will be considered by the Board on the basis of all documentary evidence presented to it, and any brief submitted by or in behalf of the applicant. Prior to formal determination of the case, the applicant may submit any documentary evidence pertinent and relevant to the matter under consideration.

SUBPART 52.20—HEARINGS

§ 52.20–1 *Convening the Board.* The Board will be convened at the call of the Senior Member and will recess or adjourn at his order.

§ 52.20–5 *Conduct of hearing.* (a) The hearing shall be conducted by the Senior Member so as to insure a full and fair inquiry.

(b) The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy and materiality.

(c) All testimony before the Board shall be given under oath or affirmation and witnesses shall be subject to examination or cross-examination.

(d) All available pertinent records shall be considered by the Board, to-

gether with such evidence as may be submitted by or on behalf of the applicant. Whenever, during the course of review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require of the applicant or obtain such further evidence as it may consider essential to a complete and impartial understanding of the facts and issues involved.

§ 52.20–10 *Procurement of evidence.* It shall be the responsibility of the applicant to procure such evidence not contained in the official records of the Coast Guard as he desires to present in support of his case.

§ 52.20–15 *Access to official records.* The applicant shall have access to such official records as are necessary to an adequate presentation of his case; however, classified or privileged matter will not be disclosed or made available to the applicant or his counsel without an express finding by the Board that such disclosure is required in the case and is not detrimental to the public interest. Where it is found that disclosure of such information would be detrimental to the public interest and where the Board finds that it is necessary in the interest of justice to acquaint the applicant or his counsel with the substance of such matter, the Board will obtain and make available to the applicant or his counsel such summary of the classified or privileged matter as, in the judgment of the Board, may be relevant to the case and as will not be incompatible with the public interest.

§ 52.20–20 *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 52.20–25 *Withdrawal.* The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his application without prejudice at any time before its proceedings are submitted to the Secretary of the Treasury.

§ 52.20–30 *Reporting.* The proceedings of the Board in open session will be reported verbatim; the Board's deliberations will be conducted in executive session and will not be reported.

SUBPART 52.25—JUDGMENT AND DISPOSITION

§ 52.25–1 *Findings and decision.* (a) The Board shall make written findings in each case which shall set forth the nature of error or injustice found, if any, the reasons why relief should or should not be ordered, and such other facts as the Board deems necessary and pertinent to the issue.

(b) The decision of the Board shall specify with particularity the change, correction or modification, if any, that shall be made, together with such other action as may be deemed necessary to effect the recommendations of the Board.

(c) Where the Board deems it necessary to submit comment or recommendation to the Secretary of the Treasury as to matters arising from but not directly related to the issues in any case, such comment or recommendation shall be the subject of separate communication.

§ 52.25–5 *Minority report.* In case of disagreement among members of the Board a minority report may be submitted as to the Board's findings, conclusion or decision. The reasons for such minority report shall be stated clearly.

§ 52.25–10 *Record.* (a) When the Board has completed its deliberations a complete record of the proceedings shall be prepared. Such record shall include the application for relief; a transcript of the hearing, if any; affidavits, papers, and documents considered by the Board; briefs and written arguments filed in the case; the findings, conclusion and decision of the Board; any minority report of a dissenting member of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings.

§ 52.25–15 *Action by the Secretary.* (a) The record of proceedings shall be transmitted to the Secretary of the Treasury for his approval, disapproval, or return for additional consideration.

(b) Upon final action by the Secretary of the Treasury the record of proceedings shall be returned to the Board for disposition.

§ 52.25–20 *Orders.* (a) The Board shall issue such orders or directives as may be necessary to effect the decision of the Secretary of the Treasury.

(b) The addressees of such orders or directives shall report compliance to the Senior Member of the Board, by written notice specifying the action taken and the date thereof.

(c) Copies of the Secretary's decision and orders shall be placed in the service record of the subject of the application, except where the effect of such action would be to nullify the relief granted. In such instances the Secretary's instructions in the individual case shall govern the disposition of the Secretary's decision, orders and records in that particular case.

§ 52.25–25 *Notification.* (a) Upon final adjudication in any case, the Board shall communicate the Secretary's decision to the applicant and his counsel, if any.

(b) Neither the applicant nor his counsel will be supplied with copies of the record of proceedings, but such record shall be made available for their inspection except where detrimental to the public interest.

§ 52.25–30 *Appeal.* (a) The recommendations of the Board, as approved, shall be considered a final adjudication of the issues presented and considered, except where further hearing is authorized by the Secretary of the Treasury.

(b) Appeal for further hearing, in any case where final decision has been reached, will be considered only for good cause shown. Good cause, in this instance, must be of such a nature as will justify reopening the particular case.

SUBPART 52.30—PAYMENT OF CLAIMS

§ 52.30–1 *Authority to pay.* (a) The Coast Guard is authorized to pay claims of any persons, their heirs at law or legal representatives, for amounts paid as fines, forfeitures, losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits as the case may be, and as authorized by applicable provision of law, which are found to be due on account of Coast Guard service as the result of action heretofore or hereafter taken under section 207 of the Legislative Reorganization Act of 1946, as amended.

(b) The Coast Guard is not authorized to pay any claim heretofore compensated by Congress through enactment of private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veteran's Affairs.

§ 52.30–5 *Procedures.* (a) In each case the Board shall transmit a certified copy of the Secretary's decision to proper Coast Guard authority for determination of monetary benefits due as a result of the action of the Board.

(b) Upon request, the claimant or claimants shall be required to furnish requisite information to determine the proper parties to the claim for purposes of payment under applicable provisions of law.

(c) Appropriate records shall be examined in the light of the Secretary's decision for the purpose of determining all amounts which may be due. Amount found due the claimant or claimants shall be subject to the extent authorized by law or regulation, to set-off in amount of existing indebtedness to the Government arising from Coast Guard service.

(d) At the time of payment, the claimant or claimants shall be advised as to the nature and amount of the various benefits represented by the total settlement; and shall be advised further, that acceptance of such settlement constitutes a complete release by the claimant of any claim against the United States on account of the correction of record ordered by the Secretary.

§ 52.30–10 *Interpretation.* In any case where the intent or import of the Secretary's decision is not clear with respect to payment, such decision shall be returned to the Board for clarification.

§ 52.30–15 *Report of settlement.* (a) In every case where payment is made pursuant to decision of the Secretary, the itemized amount of such payment and the person to whom paid shall be communicated forthwith to the Senior Member of the Board.

(b) The Senior Member of the Board shall make semi-annual report to the Secretary of the Treasury of all claims paid during the period covered by such report; including a statement of the amount paid, to whom, and a brief description of the claim in each case.

SUBPART 52.35—MISCELLANEOUS PROVISIONS

§ 52.35–1 *Staff assistance.* The Board may request such advice, opinion, assistance or use of facilities, of any other bureau, board or office of the Department of the Treasury as the Senior Member may deem necessary.

Dated: April 18, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52–4621; Filed, Apr. 23, 1952; 8:54 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL REGULATIONS

CURUNDU MILITARY RESERVATION

CROSS REFERENCE: For amendment to the tabulation in § 21.3, insofar as it relates to Curundu Military Reservation, see Canal Zone Order 27 in Appendix to this chapter, *infra.*

Appendix—Canal Zone Orders

[Canal Zone Order 27]

REVISING THE BOUNDARY OF PARCEL NO. 1 OF CURUNDU MILITARY RESERVATION, CANAL ZONE, AND CREATING NEW PARCELS NOS. 1–A AND 1–B [1]

By virtue of the authority invested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of Act September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, Curundu Military Reservation, as described in Executive Order No. 6713 of May 21, 1934, and amended by Canal Zone Order No. 26 of March 18, 1952, is hereby altered by revising and redescribing that portion of the boundary of Parcel No. 1 which lies between monument "B" and monument No. 51, and by creating new Parcels Nos. 1–A and 1–B of that Reservation as follows:

REVISION OF PARCEL NO. 1

Beginning at monument "B", which is a 3-inch iron pipe set in concrete, located on the westerly boundary of Parcel No. 1 of the Curundu Military Reservation, as described in Canal Zone Order No. 26, dated March 18, 1952, and on the easterly side of Gaillard Highway, northwesterly from the Army Telephone Exchange building in the Post of Corozal, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 8°59′ N. plus 432.7 feet and longitude 79°34′ W. plus 3,088.6 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 40° 55′ 30″ E., 542.8 feet, along the easterly side of Gaillard Highway to monument 47–A, which is a 3-inch iron pipe, located 10.0 feet northwesterly from the prolongation of the northwesterly edge of the concrete pavement of a street extending northeasterly from Corozal Railroad Station to the Post of Corozal Theater;

Northeasterly, along a line parallel to and 10.0 feet from the northwesterly edge of the above mentioned street pavement to monument 47–E, which is a 3-inch iron pipe, located 65 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building, the geodetic position of which is in latitude 8° 59′ N. plus 906.0 feet and longitude 79° 34′ W. plus 1509.1 feet;

S. 25° 42′ 40″ E., 50.0 feet, to monument 47–F, which is a 3-inch iron pipe;

S. 36° 34′ 00″ E., 145.2 feet, to monument 47–G, which is a 3-inch iron pipe;

N. 46° 26′ 20″ E., 26.0 feet to monument 47–H, which is a 3-inch iron pipe located 39.0 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building;

Southeasterly along a line parallel to, and 39.0 feet southwesterly from the centerline of the pavement of the above mentioned street, to monument No. 17–A, which is a 3-inch iron pipe, located on the southerly side of a cyclone fence, on the westerly boundary of Albrook Air Force Base, (as established by General Order Number 6 of Headquarters Caribbean Air Command, dated 26 February 1951 and General Order Number 46 of Headquarters United States Army Caribbean, dated 1 June, 1951) the geodetic position of which is in latitude 8° 59′ N. plus 247.0 feet and longitude 79°34′ W. plus 838.5 feet;

S. 73° 51′ 30″ W., 168.0 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 17, which is a 2-inch iron pipe;

S. 26° 10′ 20″ E., 455.5 feet, to monument No. 16, which is a 2-inch iron pipe;

S. 10° 10′ 00″ E., 261.1 feet, to monument No. 15, which is a 2-inch iron pipe;

S. 21° 28′ 00″ E., 296.9 feet, to monument No. 14, which is a 2-inch iron pipe;

S. 22° 19′ 50″ E., 257.5 feet, through monument No. 13, which is a 2-inch iron pipe, to monument No. 12, which is a 2-inch iron pipe, the distances being 224.5 feet and 33.0 feet, successively, from beginning of the course;

S. 31° 47′ 00″ E., 307.1 feet, along a cyclone fence, surrounding the water tanks on the hill northerly from Diablo Crossing, to monument No. 11, which is a 1½-inch iron pipe;

S. 49° 31′ 30″ W., 117.1 feet, to monument No. 10, which is a 1½-inch iron pipe, located inside of the cyclone fence surrounding the above mentioned water tanks;

S. 09° 44′ 20″ E., 1883.2 feet, through monuments Nos. 9, 8, 7 and 6, which are 1½-inch iron pipes to monument No. 5, which is a 1½-inch iron pipe, the distances being 208.5 feet, 297.7 feet, 410.2 feet, 442.9 feet and 523.9 feet, successively, from beginning of the course;

S. 44° 36′ 00″ W., 102.3 feet, to monument No. 4, which is a 1½-inch iron pipe;

N. 64° 22′ 50″ W., 483.6 feet, through monument No. 3, which is a 1½-inch iron pipe, to monument No. 2, which is a 1½-inch iron pipe, located on the outside of a cyclone fence on the northeasterly side of Gaillard Highway, opposite Diablo Crossing, the distances being 306.4 feet and 177.2 feet, successively, from beginning of the course;

S. 57° 53′ 30″ W., 46.4 feet, to monument "A", which is a brass plug in the concrete pavement of Gaillard Highway;

The above described boundary from monument No. 17–A to monument "A" is common with a part of the westerly boundary of Albrook Air Force Base (as established by General Order Number 6 of Headquarters Caribbean Air Command, dated 26 February 1951 and General Order No. 46 of Headquarters U. S. Army Caribbean, dated 1 June 1951).

S. 32° 49′ 50″ E., 362.7 feet, along the prolongation of, and the northeasterly edge of the concrete pavement of the third lane widening strip, on the northeasterly side of Gaillard Highway, to monument "B", which is an iron rod set in concrete, located at an angle in the above mentioned widening strip;

S. 25° 35′ 50″ E., 39.0 feet, along the edge of the above mentioned pavement widening strip, to monument "C", which is a brass plug in the edge of the above mentioned pavement. Monument "C" is on the westerly boundary of Parcel No. 1 of Curundu Military Reservation, as described in Executive Order No. 6713 of May 21, 1934, and is N. 32° 49′ 50″ W., 514.0 feet from Curundu Military Reservation boundary monument No. 51, presently referred to as monument "D";

PARCEL NO. 1–A

Beginning at monument "J", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence on the northeasterly side of Gaillard Highway and northeasterly from the spur railroad track leading to the Army Quartermaster Warehouse in the Post of Corozal, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58′ N. plus 4873.5 feet and longitude 79°34′ W. plus 1925.2 feet.

Thence from said initial point by metes and bounds:

Southeasterly, along the outside of the above mentioned cyclone fence, on the northeasterly side of Gaillard Highway, along the following courses:

S. 45° 17′ 00″ W., 19.0 feet, to monument "K", which is a 3-inch iron pipe set in concrete;

S. 29° 49′ 00″ E., 77.2 feet, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 31° 51′ 30″ E., 243.7 feet, to monument "M", which is a 3-inch iron pipe set in concrete;

S. 33° 02′ 50″ E., 292.9 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

S. 34° 03′ 10″ E., 312.7 feet, to monument "O", which is a 2½-inch iron pipe set in concrete;

S. 34° 50′ 10″ E., 382.5 feet, to monument "P", which is a 3-inch iron pipe set in concrete;

S. 34° 12′ 30″ E., 339.4 feet, crossing the entrance roads to Gate No. 8 of the Post of Corozal, to monument "Q", which is a 2-inch iron pipe, located back of the curb on the northeasterly side of Gaillard Highway;

N. 15° 38′ 40″ W., 95.3 feet, to monument "R", which is a 2-inch iron pipe;

N. 26° 39′ 20″ E., 93.9 feet, to monument "S", which is a 2-inch iron pipe, located inside a cyclone fence;

N. 67° 10′ 50″ E., 143.8 feet, to monument "T", which is a 2-inch iron pipe;

N. 17° 03′ 00″ E., 150.4 feet, to monument "U", which is a 2-inch iron pipe;

N. 08° 14′ 50″ E., 111.1 feet, to monument "V", which is a 3-inch iron pipe;

N. 13° 56′ 20″ W., 216.1 feet, to monument "W", which is a 2½-inch iron pipe;

N. 38° 43′ 20″ W., 125.7 feet, to monument "X", which is a 2-inch iron pipe;

N. 50° 36′ 20″ W., 166.0 feet, to monument "Y", which is a 2-inch iron pipe;

N. 60° 03′ 00″ W., 978.0 feet, through monument "Z", which is a 2-inch iron pipe, to monument "J", the point of beginning, the distances being 167.3 feet and 810.7 feet, successively, from beginning of the course;

PARCEL NO. 1–B

Beginning at monument "A", which is a 2-inch iron pipe, located on the easterly side of a macadam road and southerly from the diesel power plant, the geodetic position of which is in latitude 8°58′ N. plus 4085.6 feet and 79°34′ W. plus 783.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

[1] Map filed as part of original document.

N. 22° 20' 00" W., 159.2 feet, to monument "B", which is a 2½-inch iron pipe, located northwesterly from the diesel power plant;

N. 58° 20' 00" E., 72.1 feet, along the northwesterly side of the diesel power plant to monument "C", which is a 2-inch iron pipe;

S. 31° 36' 00" E., 111.9 feet, along the northeasterly side of the diesel power plant to monument "D", which is a 2-inch iron pipe;

S. 58° 15' 00" W., 45.9 feet along the southeasterly side of the diesel power plant, to monument "E", which is a 2-inch iron pipe;

S. 31° 36' 00" E., 51.4 feet, to monument "F", which is a 2-inch iron pipe;

S. 65° 10' 00" W., 52.2 feet, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The surveys over the above described revised boundary of Parcel No. 1, and over the boundaries of Parcel No. 1-A and No. 1-B, were made in December 1950, September 1951 and March and April 1952, and are recorded in Field Books M-477, M-488 and M-492, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company.

The area of Curundu Military Reservation, Parcel No. 1, as revised by this order, is 8.475 acres, more or less. The area of Parcel No. 1-A is 11.97 acres. The area of Parcel No. 1-B is 0.26 acres. The boundaries of the above described revision and parcels are as shown on Canal Zone Government Drawing No. M-6116-48, entitled "Map Showing Revised Boundary of Curundu Military Reservation (Parcel No. 1) Between Monument "B" and Monument No. 51, and Creation of New Parcels No. 1-A and No. 1-B, Corozal, Canal Zone", scale 1:3,000, dated April 4, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

FRANK PACE, JR.,
Secretary of the Army.

APRIL 18, 1952.

[F. R. Doc. 52-4629; Filed, Apr. 23, 1952; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Modification of Reg. G-7]

PART 231—GRAZING

COOPERATION WITH STOCKMEN

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), as amended by the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulation G-7 of the regulations governing the occupancy, use, protection, and administration of the national forests, which constitutes § 231.7, Chapter II, Title 36, Code of Federal Regulations, is hereby amended. The first two sentences of the paragraph (c) of Regulation G-7 are eliminated and replaced by a single sentence, making that paragraph read as follows:

§ 231.7 *Cooperation with stockmen.*

* * *

(c) Boards constituted and elected under the provisions of this section shall consist of not less than three members. In addition and where the Board represents an entire national forest, the State Game Commission, or the corresponding public body of the State in which the advisory board is located, may appoint a wildlife representative to advise on wildlife problems.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 21st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-4631; Filed, Apr. 23, 1952; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—SUPPLY CONTRACTS: SERVICE PROPERTY: TELEGRAMS

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

MISCELLANEOUS AMENDMENTS

1. In § 6.5 *Contracts*, paragraph (a) (8) and the Note thereto are rescinded.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 34.2 *Domestic rates and conditions* make the following changes:

a. Amend paragraph (b) to read as follows:

(b) *Definitions.* The term "United States" shall include Alaska and Hawaii. The term "possessions" shall include the following:

Baker Island.
Canal Zone, including:
  Culebra.
  Flamenco.
  Naos.
  Perico.
Canton Island.
Enderbury Island.
Guam.
Howland Island.
Jarvis Island.
Johnston Island.
Kingman Reef.
Midway Islands.
Navassa Island.
Puerto Rico.
Samoan Islands (American), including:
  Manua.
  Swain's.
  Tutuila.
Sand Island.
Swan Islands, via Tampa, Fla.
Trust Territory of the Pacific, including:
  Caroline Islands.
  Marshall Islands.
  Mariana Islands.
Virgin Islands of the United States, including:
  Saint Croix.
  Saint John.
  Saint Thomas.
Wake Island.
All other places where United States Mail Service is in operation.

b. The Note to paragraph (b) is rescinded.

3. In § 34.7 *Private mailing cards ("post cards")* add the following sentence to the text of paragraph (b) (1): "Thickness shall not be less than 0.0085 or more than 0.0095 of an inch, and the paper must run uniform in thickness and as near 0.0090 as possible."

(R. S. 161, 396, 3916, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 356)

4. In § 114.11 *Postage refunds* make the following changes:

a. Amend the caption of paragraph (c) (1) to read *"At post offices having gross receipts of $600,000 a year and more."*

b. In the text of paragraph (c) (1) strike out the words "of the $6,450 grade and above," and insert in lieu thereof "having gross receipts of $600,000 a year and more,".

c. Amend the caption of paragraph (c) (2) to read *"At post offices having gross receipts of less than $600,000 a year."*

d. In the text of paragraph (c) (2) strike out the words "below the $6,450 grade," and insert in lieu thereof "having gross receipts of less than $600,000 a year."

e. Amend paragraph (d) (1) by striking out the words "below the $6,450 grade" and "above the $6,450 grade", and insert in lieu thereof the words "having gross receipts of less than $600,000 a year" and "having gross receipts of $600,000 a year and more", respectively.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-4596; Filed, Apr. 23, 1952; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Federal Security Agency

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

PATIENTS REFERRED BY THE DISTRICT OF COLUMBIA AND LOCAL GOVERNMENTAL AUTHORITIES

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendment of § 401.14. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendment, which changes the title of the section and adds a new paragraph, (c), is to authorize the Superintendent of Freedmen's Hospital to enter into arrangements for reimbursement for the care of indigent or part-pay patients referred by local governmental authorities other than the District of Columbia.

1. Section 401.14 is amended to read as follows:

§ 401.14 *Patients referred by the District of Columbia and local governmental authorities; rates.* (a) Inpatients who are referred and certified to the hospital by the District of Columbia as indigent resident patients of the District shall not be required to pay for their hospitalization. In such cases, the District of Columbia will make payment to the hospital for such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for inpatient treatment and care payable by the District of Columbia to Freedmen's Hospital. Part-pay resident in-patients of the District who are referred and certified to the hospital by the District of Columbia shall pay charges as indicated by the District for their hospitalization, which charge shall include all X-ray, laboratory, and other special services. In such cases the District will also pay to the hospital an additional amount which when added to the charge payable by such part-pay patients, will equal the per diem rate approved by the Bureau of the Budget as the reimbursable rate for in-patient hospitalization payable by the District of Columbia to Freedmen's Hospital.

(b) Out-patients determined to be indigent residents of the District of Columbia shall not be required to pay for clinic services, prescriptions filled, X-ray, laboratory, and other special services. In such cases, the District of Columbia will make payment to the hospital for such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for out-patient treatment and care payable by the District of Columbia to Freedmen's Hospital.

(c) The Superintendent of Freedmen's Hospital is authorized, with the approval of the Surgeon General and the Federal Security Administrator, to enter into arrangements with county or other local governmental authorities other than the District of Columbia under which such authorities will reimburse the hospital for the care of persons residing within their respective jurisdictions, and referred by them to the hospital as indigent or part-pay patients, at rates not less than those applicable to the care of persons referred by the District of Columbia in accordance with paragraph (a) of this section.

(R. S. 2038, as amended; 32 D. C. Code 317. Interprets or applies sec. 1, 33 Stat. 1190, as amended, sec. 1, 37 Stat. 172, as amended, sec. 1, 39 Stat. 311; 32 D. C. Code 318–320)

2. This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: April 14, 1952.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: April 18, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-4620; Filed, Apr. 23, 1952; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1814]

PART 146—EXCHANGES OF PRIVATELY OWNED LANDS UNDER TAYLOR GRAZING ACT

Sec.
146.1 Authority.
146.2 Application.
146.3 Determination of values; publication of notice of exchange.
146.4 Notice for publication and designation of newspaper; cost and proof of publication.
146.5 Deed to United States.
146.6 Evidence of title; policy of title insurance or certificate of title preferred.
146.7 Taxes.
146.8 Approval of exchange; rules of practice to be followed.

AUTHORITY: §§ 146.1 to 146.8 issued under sec. 2, 48 Stat. 1270; 43 U. S. C. 315a.

CROSS REFERENCES: For exchanges by States under the Taylor Grazing Act, see Part 147 of this chapter. For exchanges for migratory bird or other wildlife refuges, see Part 151 of this chapter. For exchanges for recreational purposes, see Part 254 of this chapter. For exchanges for the benefit of particular States, see Part 152 of this chapter. For exchanges for the consolidation or extension of Indian reservations or Indian holdings, see Part 149 of this chapter. For exchanges for the consolidation or extension of national forests, see Part 148 of this chapter. For disposition of conflicting applications within the discretionary power of the Secretary of the Interior, see § 101.8 of this chapter. For exchanges of revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, Oregon, see §§ 115.94–115.113 of this chapter. For exchanges to eliminate private holdings from national parks and national monuments, see Part 150 of this chapter. For exchanges within reclamation projects, see §§ 230.23–230.26 of this chapter. For general orders of withdrawals, modifications, see §§ 297.14 and 297.17 of this chapter.

§ 146.1 *Authority.* (a) Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), authorize the Secretary of the Interior when the public interests will be benefited thereby to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the privately owned land. Either party to an exchange may make reservations of minerals, easements, or rights of use. Whether an exchange will benefit the public interest shall be determined by the officer authorized to act, as provided in paragraph (b) of this section.

(b) The Director, Bureau of Land Management, has been authorized to approve exchanges where the value of the selected land does not exceed $250,000 (Order No. 2583, August 16, 1950, Secretary of the Interior, 15 F. R. 5643, August 23, 1950). The regional administrators have been authorized to approve exchanges where the value of the selected land does not exceed $50,000 (Bureau of Land Management Order No. 427, August 16, 1950, 15 F. R. 5639, August 23, 1950). This authority, however, has been redelegated by the regional administrators to the managers of the land offices, subject to the restrictions set forth in Orders approved by the Secretary of the Interior August 20, 1951 (16 F. R. 8610–8628, August 25, 1951), and will be exercised by the managers unless otherwise ordered by the regional administrators. Only the Secretary of the Interior can approve exchanges in which the value of the selected lands exceeds $250,000.

§ 146.2 *Application.*[1] (a) Persons, firms, or corporations desiring to exchange lands pursuant to § 146.1 should file in the land office having jurisdiction over the selected lands or in the Washington Office of the Bureau of Land Management, when there is no land office within the State, an application in duplicate, on Form 4–728, or its equivalent, describing the offered and the selected land by legal subdivisions of the public land surveys. The application must contain the full name and post-office address of the applicant and must state whether any reservation of minerals, easements, or other rights in or to the offered lands are outstanding in third parties or desired by the applicant, and what use the applicant will make of such rights. It must also contain the reservations or easements which are acceptable to the applicant and are to be made by the United States affecting the selected lands.

(b) The applicant must be legally capable of consummating the exchange and the application must state that he is the owner of the lands offered in exchange, and that such offered lands are not the basis of any other exchange.

(c) The application must also include a corroborated statement relative to springs and water holes on the selected lands, in accordance with §§ 292.1 to 292.9 of this chapter. The application must state that the value of the selected land does not exceed the value of the offered land.

(d) No filing fees are required. However, the applicant shall pay one-half of the advertising cost.

§ 146.3 *Determination of values; publication of notice of exchange.* (a) The authorized officer shall determine the values of the offered and selected land, taking into consideration the value of any reservation of minerals, easements or other rights which are outstanding in third parties or to be made by the applicant or by the United States. If such officer determines that the value of the selected land exceeds the value of the offered land he will so inform the applicant and afford him the opportunity of

[1] 18 U. S. C. 1001 makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

bringing the exchange within the provisions of the law.

(b) When a determination has been made that the value of the selected land does not exceed the value of the offered land and that the public interests will be benefited by the exchange, the authorized officer shall, unless he has reason to do otherwise, direct publication of the notice of exchange in the newspaper or newspapers designated by him, and require the applicant to submit proof of publication and comply with the provisions of §§ 146.4, 146.5 and 146.7.

§ 146.4 *Notice for publication and designation of newspaper; cost and proof of publication.* The notice of publication must give the name and post-office address of the applicant, the serial number and date of the application, the act under which the application is filed and a description of the offered and selected lands in terms of legal subdivisions of the public land surveys, and must state that all persons asserting a claim to the selected lands or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objection has been served upon the applicant. The notice must be published once a week for 4 consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered lands are situated and in the same manner in a newspaper of general circulation in the county or counties in which the selected lands are situated. One-half of the cost of publication of the notice shall be paid by the applicant. Each newspaper will collect that portion of the cost of publication from the applicant and submit proper vouchers to the United States for the remaining one-half of such cost. Proof of publication of notice shall consist of a statement by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, and attaching thereto a copy of the notice as published.

§ 146.5 *Deed to United States.* The applicant shall submit a warranty deed of conveyance of the offered land to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the lands are situated together with satisfactory evidence of title, as required by § 146.6, showing that he was vested with a valid unencumbered title to the land at the time of the recordation of the deed. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976)". A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of courtesy, dower, community interest or any other claim to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated, the grantor's spouse has no interest present or prospective in the land. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

§ 146.6 *Evidence of title; policy of title insurance or certificate of title preferred.* (a) Consummation of an exchange is expedited by applicant's submission, as evidence of title to the offered land, of a policy of title insurance in the form approved by the Department of the Interior, Form 4–1202, or a certificate of title, issued by a qualified title insurance company which is acceptable to the Department of the Interior. Such evidence of title is therefore preferred. However, an abstract of title is also acceptable. The evidence of title must show and certify that title to the offered land has vested in the United States free and clear of all liens, encumbrances and assessments which may operate as liens, as of the date of recordation of the deed to the United States.

(b) A policy of title insurance or a certificate of title must be issued by a title insurance company authorized by law to issue such policies or certificates, and other evidence of title, if furnished, must be prepared and authenticated by an abstracter or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

§ 146.7 *Taxes.* In case taxes which have been assessed or levied on the offered lands constitute liens against the lands although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the land for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him.

§ 146.8 *Approval of exchange; rules of practice to be followed.* (a) The proof of publication, conveyance, title evidence and other evidence furnished by the applicant will be examined, and if found satisfactory and no valid objection appearing to the consummation of the exchange, title to the offered land will be accepted and patent for the selected land will issue.

(b) Protests against exchanges when filed in the proper office of the Bureau of Land Management will be considered and determined and the applicant and protestant will be notified accordingly.

(c) Any person aggrieved by any action of the manager or the regional administrator on an application for exchange, or a protest against such an application, may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to the rules of practice, Part 221 of this chapter.

(d) Should the application for exchange be finally rejected the evidence of title will be returned to the applicant and a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U. S. C. 872).

Note: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 17, 1952.

[F. R. Doc. 52-4587; Filed, Apr. 23, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

APRIL 17, 1952.

Pursuant to section 4 (a) of the Administrative Procedure act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2435, notice is hereby given of the intention to modify §§ 130.24, 130.26 and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the irrigation district organization and are subject to the jurisdiction of the three irrigation districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936 and April 5, 1950, there is hereby fixed, for the season of 1953, an assessment of $189,100 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 68,183 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936 and May 16, 1951, there is hereby fixed, for the season of 1953, an assessment of $34,500 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 12,751 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936 and April 18, 1950, there is hereby fixed, for the season of 1953, an assessment of $14,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,599 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Paul L. Fickinger, Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 52-4618; Filed, Apr. 23, 1952; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 301]

JAPANESE BEETLE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending §§ 301.48-2 and 301.48-4 (a) (1) of the regulations supplemental to the Japanese Beetle Quarantine (7 CFR 301.48-2 and 301.48-4 (a) (1), as amended), in the following respects:

1. Section 301.48-2 would be amended to include in the regulated areas the following additional counties, townships, cities, and magisterial districts:

New York: All presently nonregulated portions of the counties of Cayuga, Schuyler, Seneca, and Tompkins; and towns of Oswego in Oswego County.

Ohio: City of Painesville, in Lake County; and townships of Barlow and Watertown, in Washington County.

Virginia: Counties of Amelia, Cumberland, Fluvanna, Greene, Lunenburg, Madison, Nelson, Nottoway, Shenandoah, and Wythe; all presently nonregulated portions of the counties of Amherst, Bedford, Henry, Page, Pulaski, and Roanoke; the city of Martinsville; and the magisterial district of Ivy, in Albemarle County.

West Virginia: Counties of Braxton and Wirt; magisterial district of Reedy, in Roane County; and magisterial district of Fort Lick, in Webster County.

2. Section 301.48-4 (a) (1) would be amended by adding thereto the following: "*Provided, however,* That this exception will not apply to the movement of regulated articles to such isolated regulated areas as may be designated in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine when he has determined that such movement presents a hazard of spread of infestation."

The purpose of this proposed amendment is to add additional territory to the regulated areas and to establish a procedure for restricting the movement of regulated articles to an isolated regulated area when it has been determined that such movement presents a hazard of spreading Japanese beetle infestation.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 21st day of April 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-4630; Filed, Apr. 23, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION ORDER NO. 481

APRIL 17, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to § 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

ANCHORAGE LAND DISTRICT

A tract of land (unsurveyed) located on the west shore of Cook Inlet, Alaska, more particularly described as follows: "Starting at a point which bears S. 32° 18' E. a distance of 1450 feet from the number 2 corner of U. S. Survey No. 2369; thence easterly along Polly Creek to the end of spit, thence westerly along the shore line of Cook Inlet to a point approximately 200 feet in a southeasterly direction from the point of beginning, thence northwesterly to the true point of beginning all of which contains approximately 6.5 acres." (Headquarters site application and petition for shorespace restoration of John Stanley Swiss, Anchorage 018047.)

Containing approximately 6.5 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on May 7, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 7, 1952, to August 4, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World

War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 17, 1952, to May 6, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 7, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on August 5, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 16, 1952, to August 4, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 5, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 52-4584; Filed, Apr. 23, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION NO. 482

APRIL 17, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to § 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

All lands abutting or lying within 80 rods of the banks of unsurveyed Mendeltna Creek, Alaska, throughout its entire course from the headwaters in Old Man Lake (approximate latitude 62°07'00" N., longitude 146° 39'00" W.) to the mouth of Tazlina Lake (approximate latitude 61°57'30" N., longitude 146°25'00" W.).

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 52-4585; Filed, Apr. 23, 1952; 8:45 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 483

APRIL 18, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to § 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Tenakee Inlet, Alaska, identified as Lot 5, U. S. Survey No. 2451 (homesite application of Thomas M. Armstrong, Anchorage 017355), containing approximately 4.56 acres.

A tract of land located on Auke Bay, Alaska, identified as Lot 7B, U. S. Survey No. 2671 (homesite application of Axel Pearson, Anchorage 018099), containing approximately 0.68 acres.

A tract of land located on Tongass Narrows, Alaska, identified as Lot 14, U. S. Survey No. 2608 (homesite application of Clarence W. Nelson, Anchorage 018150), containing approximately 3.20 acres.

A tract of land located on Kasaan Bay, Alaska, to be identified as U. S. Survey No. 3150 (homesite application of James J. Matuska, Anchorage 018162), containing approximately 4.55 acres.

A tract of land located on Tongass Narrows, Alaska, identified as Lot 35, U. S. Survey No. 2604 (homesite application of Betty King, Anchorage 018254), containing approximately 3.09 acres.

A tract of land located on Kundson Cove, Alaska, identified as Lot Q, U. S. Survey No. 2555 (Soldier's Additional Homestead Application and Petition for Shorespace Restoration of Wesley A. Miller, Anchorage 018107), containing approximately 0.32 acres.

The above described areas aggregate approximately 16.40 acres.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 52-4586; Filed, Apr. 23, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Choctaw Manufacturing Co., Silas, Ala., effective 4-11-52 to 4-10-53; 10 learners (work clothing).

D & D Sewing Co., York County, Delta, Pa., effective 4-14-52 to 4-13-53; 10 learners (children's outerwear).

Elder Manufacturing Co., Bloomfield, Mo., effective 4-11-52 to 4-10-53; 10 percent of the productive factory force (boys' pants).

Elder Manufacturing Co., McLeansboro, Ill., effective 4-7-52 to 4-6-53; 10 percent of the productive factory force (dress shirts).

Empire Manufacturing Corp., Statesville, N. C., effective 4-8-52 to 4-7-53; 10 percent of the productive factory force engaged in the manufacture of apparel products only (hunting clothing).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa., effective 4-11-52 to 4-10-53; six learners (children's and girls' dresses).

Hickory Flat Manufacturing Co., Hickory Flat, Miss., effective 4-10-52 to 4-9-53; 10 percent of the productive factory force (work shirts).

Howard-Lane Manufacturers, 106 West Apple Street, Connellsville, Pa., effective 4-12-52 to 4-11-53; 10 percent of the productive factory force (trousers).

I. B. S. Manufacturing Co., New Albany, Miss., effective 4-10-52 to 4-9-53; 10 percent of the productive factory force (men's and boys' cotton sport shirts).

Irwin Manufacturing Co., New Albany, Miss., effective 4-10-52 to 4-9-53; 10 percent of the productive factory force (sport shirts).

Johnye Manufacturing Co., 4th and Walnut Streets, Albion, Ill., effective 4-10-52 to 4-9-53; 10 percent of the productive factory force (dresses, skirts and blouses).

Joyner-Fields, Inc., Sherman, Miss., effective 4-14-52 to 10-13-52; 30 learners for expansion purposes (boys' shirts and pants).

Kay Dress Co., 268 West Broadway, Mauch Chunk, Pa., effective 4-10-52 to 4-9-53; 10 learners (dresses).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa., effective 4-12-52 to 4-11-53; 10 learners (children's cotton dresses).

Norann Manufacturing Co., Inc., 140 East Center Street, Nesquehoning, Pa., effective 4-9-52 to 4-8-53; 10 percent of the productive factory force (dresses).

Oberman & Co., Fayetteville, Ark., effective 4-11-52 to 10-10-52; 35 learners for expansion purposes (single pants and shirts).

Pearce Manufacturing Co., Howard, Pa., effective 4-11-52 to 4-10-53; 5 learners (dress shirts, hunting coats, etc.).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill., effective 4-18-52 to 10-17-52; 10 learners for expansion purposes (dresses).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill., effective 4-18-52 to 4-17-53; 10 learners (dresses).

H. A. Satin & Co., Inc., 2013 West Iowa Street, Evansville, Ind., effective 4-14-52 to 4-13-53; 10 percent of the productive factory force (women's cotton dresses).

Scranton Wearing Apparel, Inc., 312 Penn Avenue, Scranton, Pa., effective 4-14-52 to 4-13-53; 10 learners (pea coats, mackinaws, storm coats).

Short Manufacturing Co., Columbus, Nebr., effective 4-7-52 to 10-6-52; seven learners for expansion purposes (men's shirts).

Slimaker Dress Corp., Holton, Kansas, effective 4-11-52 to 4-10-53; 10 percent of the productive factory force (dresses).

Southern Manufacturing Co., Plant No. 2, 1202 Broadway, Nashville, Tenn., effective 4-11-52 to 4-10-53; 10 percent of the productive factory force (men's and boys' sport shirts).

Spaulding Manufacturing Co., Jackson, Ga., effective 4-11-52 to 4-10-53; 10 learners (pants and shorts).

Steingut Dress Co., 228 Everhart Street, Dupont, Pa., effective 4-7-52 to 4-6-53; five learners (dresses).

Texas Infants Dress Co., 410 South Main Street, San Antonio 5, Tex., effective 4-12-52 to 4-11-53; eight learners (children's outerwear).

Van Baalen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine, effective 4-12-52 to 4-11-53; 10 percent of the productive factory force (bathrobes, beach jackets, raincoats, smoking jackets).

Walls Manufacturing Co., Inc., Cleburne, Tex., effective 4-17-52 to 10-16-52; 35 learners for expansion purposes (coveralls, blue jeans, jackets, etc.).

Walls Manufacturing Co., Inc., Cleburne, Tex., effective 4-17-52 to 4-16-53; 10 percent of the productive factory force (coveralls, blue jeans, jackets, etc.).

Zawick Manufacturing Co., 1706 North Main Street, Hellertown, Pa., effective 4-12-52 to 4-11-53; two learners (children's outer garments, hospital gowns, etc.).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

The W. E. Isle Co., 1121 Grand Avenue, Kansas City 6, Mo., effective 4-18-52 to 4-17-53; five learners.

Montgomery Knitting Mill, Summerville, Ga., effective 4-10-52 to 4-9-53; 5 percent of the productive factory force.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Ontario Telephone Co., Inc., Clifton Springs, N. Y., effective 4-10-52 to 4-9-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Empire Manufacturing Corp., Statesville, N. C., effective 4-8-52 to 4-7-53; five learners in the production of knitted wear products only (knit wear).

Devon Knitting Mills, Bechtelsville, R. F. D. 1, Eshbach, Pa., effective 4-10-52 to 4-9-53; five learners (knit tee shirts, knit undershirts).

Royal Manufacturing Co., Inc., Alburtis, Pa., effective 4-11-52 to 4-10-53; 5 percent of the productive factory force (knitted shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended 3-17-52; 17 F. R. 1500).

Omega Shoe Co., Pacific, Mo., effective 4-11-52 to 4-10-53; 10 learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Canvas Products Corp., 19-31 East McWilliam Street, Fond Du Lac, Wis., effective 4-15-52 to 10-14-52; five learners; sewing machine operators engaged in the production of gym suits, shop aprons, uniforms, and other items out of cotton suiting and cotton drill cloth only. The employment of learners at subminimum wage rates in the production of articles out of canvas or other materials is not authorized under the terms of this certificate; 240 hours at 60 cents per hour (awnings, canvas goods, etc.).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of April 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-4588; Filed, Apr. 23, 1952; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

ORGANIZATION

CHANGE OF TERRITORIAL EXTENT OF CERTAIN COLLECTION DISTRICTS

The statement of organization contained in F. R. Doc. 46-15357, appearing at page 177A-22, Part II, Section 1, of the issue for September 11, 1946, as amended prior to January 1, 1948 (1946 and 1947 Supps.), and as amended subsequent to December 31, 1947 (13 F. R. 2195, 2426, 4121, 4122, 7710; 14 F. R. 2070; 15 F. R. 6893; 17 F. R. 2290), is hereby further amended as follows:

Section 51 *Collectors of Internal Revenue* (formerly § 600.51) is amended as follows:

1. That part of paragraph (d) *Collection districts* which precedes the table is amended to read as follows:

(d) *Collection districts.* A list of collection districts, the territorial extent, and the headquarters of each, is as follows:

2. The parts of the column in the table headed "Territory embraced" showing for the Districts of Florida and Maryland the territory respectively embraced therein and for New York the territory embraced within the First, Second, and Third Districts, are amended to read as follows:

Designation of district:	*Territory embraced*
* * * * *	
Florida	Entire State and Canal Zone.
* * * * *	
Maryland	Entire State, District of Columbia, Puerto Rico, and Virgin Islands.
* * * * *	
New York:	
1st District	Counties of Kings, Nassau, Queens, and Suffolk.
2d District	Richmond County, Governors Island, and all that part of Manhattan Island south of 34th St. (This includes both sides of Thirty-fourth Street.)
3d District	That part of Manhattan Island north of 34th St. This includes Welfare Island, Randalls Island, and Wards Island.)

(Sec. 3 (a) (1), 60 Stat. 238; 5 U. S. C. 1002)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-4625; Filed, Apr. 23, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4947 et al.]

ROBINSON AIRLINES CORP.; RENEWAL APPLICATION

NOTICE OF ORAL ARGUMENT

In the matter of Robinson Airlines Corporation Renewal Application.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 15, 1952 at

10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 21, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-4583; Filed, Apr. 23, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS V, VIII, XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on April 17, 1952.

REGION V

Jacksonville Order G1-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 1:31 p. m.

Jacksonville Order G1-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:31 p. m.

Jacksonville Order G1-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 1:32 p. m.

Jacksonville Order G2-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 1:33 p. m.

Jacksonville Order G2-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:33 p. m.

Jacksonville Order G2-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 1:34 p. m.

Jacksonville Order G3-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 1:36 p. m.

Jacksonville Order G3-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:36 p. m.

Jacksonville Order G3-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:37 p. m.

Jacksonville Order G3A-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:37 p. m.

Jacksonville Order G3A-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:38 p. m.

Jacksonville Order G3A-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:38 p. m.

Jacksonville Order G4-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:39 p. m.

Jacksonville Order G4-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:39 p. m.

Jacksonville Order G4-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:40 p. m.

Jacksonville Order G4A-5, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:40 p. m.

Jacksonville Order G4A-6, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 1:41 p. m.

Jacksonville Order G4A-6, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items sold in the Jacksonville Area, filed 1:41 p. m.

REGION VIII

Fargo Order G1-5, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:42 p. m.

Fargo Order G1-6, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:42 p. m.

Fargo Order G2-5, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:43 p. m.

Fargo Order G2-6, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:43 p. m.

Fargo Order G4-5, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:44 p. m.

Fargo Order G4-6, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 1:44 p. m.

REGION XII

Fresno Order G1-5, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:45 p. m.

Fresno Order G1-6, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 1:45 p. m.

Fresno Order G1-6, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:46 p. m.

Fresno Order G2-5, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:46 p. m.

Fresno Order G2-6, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 1:47 p. m.

Fresno Order G2-6, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:47 p. m.

Fresno Order G4-5, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:48 p. m.

Fresno Order G4-5, Amendment 2, covering retail sales of certain food items in the Fresno Area, filed 1:48 p. m.

Fresno Order G4-6, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 1:49 p. m.

Fresno Order G4-6, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:49 p. m.

Fresno Order G4A-5, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:50 p. m.

Fresno Order G4A-6, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 1:50 p. m.

Fresno Order G4A-6, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 1:51 p. m.

Copies of any of these orders may be obtained from the Office of Price Stabilization Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-4603; Filed, Apr. 21, 1952; 10:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1175]

ATLANTIC SEABOARD CORP.

NOTICE OF PETITION

APRIL 18, 1952.

Take notice that on April 8, 1952, Atlantic Seaboard Corporation (Atlantic), a Delaware corporation having its principal place of business at Charleston, West Virginia, filed a petition to amend the order dated July 26, 1949 (8 FPC 1021), issuing a certificate of public convenience and necessity to Atlantic in the above-docketed proceeding.

Atlantic petitions that said order be amended so as to delete therefrom the limitation of the daily quantity of natural gas which may be sold by Atlantic to Consolidated Gas, Electric Light and Power Company of Baltimore (Consolidated Gas). Said limitation restricts Atlantic to sell and deliver up to "a maximum of 70,000 Mcf of natural gas per day" to Consolidated Gas. Atlantic states in its petition that Consolidated Gas is its sole and only wholesale customer which is so limited to a maximum daily delivery and that such limitation curtails flexibility in the operations of Atlantic and Consolidated Gas Transmission systems.

Atlantic states that its effective FPC Gas Tariff, 4th Revised Volume #1, contains a Rate Schedule (CDS-1) which provides for negotiation between the parties in the determination of the contract demands which Atlantic's customers require, and the procedure to be followed by Atlantic in said negotiations; and requests that its proposed amendment be allowed so that it may make a service agreement, satisfactory to the parties, for the sale of natural gas to Consolidated Gas pursuant to said rate schedule.

The petition is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of May 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-4594; Filed, Apr. 23, 1952; 8:49 a. m.]

[Docket No. G-1261]

VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF PETITION

APRIL 18, 1952.

Take notice that on April 8, 1952, Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation having its principal place of business at Charleston, West Virginia, filed a petition to amend the order dated March 30, 1950, issuing a certificate of public convenience and necessity to Virginia Gas in the above-docketed proceeding.

Virginia Gas petitions that said order be amended so as to delete therefrom the limitation of the daily quantity of natural gas which may be sold by Virginia Gas to Commonwealth Natural Gas Corporation (Commonwealth). Said limitation restricts Virginia Gas to sell and deliver up to "a maximum of 55,000 Mcf of natural gas per day" to Commonwealth. Virginia Gas states in its petition that Commonwealth is its sole and only wholesale customer which is so limited to a maximum daily delivery, and that such limitation curtails flexibility in the operation of the Virginia Gas and Commonwealth transmission systems.

Virginia Gas states that its effective FPC Gas Tariff, Second Revised Volume No. 1, contains a Rate Schedule (CDS–1) which provides for negotiation between the parties in the determination of the contract demands which Virginia Gas' customers require, and the procedure to be followed by Virginia Gas in said negotiations, and requests that its proposed amendment be allowed so that it may make a service agreement satisfactory to the parties, for the sale of natural gas to Commonwealth pursuant to said rate schedule.

The petition is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of May 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–4592; Filed, Apr. 23, 1952; 8:48 a. m.]

[Docket No. G–1677]

COLORADO INTERSTATE GAS CO.

ORDER GRANTING REHEARING

APRIL 17, 1952.

On March 20, 1952, Colorado Interstate Gas Company (Colorado Interstate) and Public Service Company of Colorado (Public Service) each filed an application for rehearing of the order of the Commission entered in the above entitled proceedings on February 20, 1952.

Each of said parties seeks rehearing of Paragraph (B) of said order reading as follows:

(B) Applicant shall not attach any new or additional firm or interruptible customer (direct or resale), nor render any additional service to any existing customer beyond the service shown for the year 1953 in Exhibit D–1 and for the 1952–53 peak day in Exhibit D–2 to the application herein, unless the Commission may otherwise order for good cause shown.

Each of said parties alleges that said Paragraph (B) of the order adversely affects certain priorities contained in rate schedules and service agreements on file with the Commission.

The Commission finds: It would be in the public interest to grant rehearing of the order of the Commission entered on February 20, 1952.

The Commission orders: The application for rehearing filed by Colorado Interstate and by Public Service on March 20, 1952, be and the same is hereby granted, at a date and place to be fixed by further order of the Commission.

Date of issuance: April 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–4590; Filed, Apr. 23, 1952; 8:46 a. m.]

[Docket Nos. G–1807, G–1830]

DOME GAS CO., INC. AND TEXAS GAS TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

APRIL 17, 1952.

In the matters of Dome Gas Company, Inc., Docket No. G–1807; Texas Gas Transmission Corporation, Docket No. G–1830.

On October 5, 1951, Dome Gas Company, Inc. (Dome), an Indiana corporation, having its principal place of business at Sullivan, Sullivan County, Indiana, filed an application, as amended on December 26, 1951, and supplemented on January 28, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities for the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission.

Dome proposes to construct and operate aproximately 6 miles of 4-inch pipe line leading from a natural gas sales metering station proposed to be constructed and operated by Texas Gas Transmission Corporation (Texas Gas) to Dome's existing distribution system in the City of Sullivan. Said natural-gas facilities are fully described in the aforementioned application, as amended and supplemented, now on file with the Commission and open for public inspection.

On November 5, 1951, Texas Gas, a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed an application, as supplemented on March 14, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities for the transportation and sale of natural gas in interstate commerce subject to the jurisdiction of the Commission.

Texas Gas proposes to construct and operate a natural-gas metering station at the junction of its existing 12-inch transmission pipe line and the aforesaid proposed 4-inch pipe line of Dome's. Texas Gas also proposes to sell and deliver at said metering station 225 Mcf of natural gas per day, on an interruptible basis, to Dome.

Said natural-gas facilities are fully described in the aforementioned application, as supplemented, now on file with the Commission, and open for public inspection.

Dome and Texas Gas each requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purpose of hearing.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicants having requested that their applications be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequently to the giving of due notice of the filing of the applications, and to the amendment to its application filed by Dome, including publication in the FEDERAL REGISTER on October 24, 1951 (16 F. R. 10840), and January 11, 1952 (17 F. R. 366), and November 22, 1951 (16 F. R. 11845), respectively.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on May 8, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: April 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–4589; Filed, Apr. 23, 1952; 8:46 a. m.]

[Docket No. G–1933]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

APRIL 18, 1952.

Take notice that on April 7, 1952, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation with its principal office in Minneapolis, Minnesota, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following described natural-gas facilities:

One 2,640 HP compressor station, together with necessary auxiliaries on Applicant's 12-inch gas transmission pipeline in Butte County, South Dakota, which serves the Black Hills area in South Dakota.

Applicant states that its present facilities serving the area are taxed to capacity on cold winter days; that the development of housing projects, erected at Rapid City Air Base, and to be erected during the summer of 1952, will increase by approximately 10 percent the number of Applicant's natural gas customers.

The estimated cost of construction of the new compressor station is $752,927, which will be defrayed from available company funds or from short term bank notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of May 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-4593; Filed, Apr. 23, 1952; 8:49 a. m.]

[Docket No. G-1936]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

APRIL 17, 1952.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on April 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 17.0 miles of 16-inch loop pipeline paralleling Applicant's existing Line D-322 from its junction with existing Lines "T" and T-50 in Marion County, Ohio, to Line D-329 in Hardin County, Ohio.

Applicant proposes, by means of the loop line to increase the capacity of its existing Line D-322 to a peak day capacity of 54,700 Mcf of natural gas in order to maintain adequate and continuous gas service to existing markets in the Lima and Kenton, Ohio, areas. Extension of service to new market areas is not involved in Applicant's proposal. Applicant states that pressures available at its Treat and Pavonia compressor stations are not adequate to permit transmission of volumes required for peak day demands on its Line D-322 while maintaining required terminal pressures, but that the installation of the proposed loop facilities will enable Applicant to maintain the pressures required.

The total estimated cost of the proposed facilities is $600,000. Applicant proposes to finance the cost of construction from funds to be provided by The Columbia Gas System, its parent company.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of May 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-4591; Filed, Apr. 23, 1952; 8:48 a. m.]

FEDERAL RESERVE SYSTEM

VOLUNTARY CREDIT RESTRAINT

Request by Board of Governors of the Federal Reserve System under section 708 of Defense Production Act of 1950 to financing institutions to act pursuant to a program for voluntary credit restraint is amended.

This "Request" is addressed to all financing institutions in the United States, including without limitation all individuals, firms, partnerships, corporations and other organizations of any kind which are engaged in the business of extending credit, making loans, or purchasing, discounting, selling, distributing, dealing in, or underwriting securities, any and all of such institutions being hereinafter referred to as "financing institutions."

Pursuant to the provisions of section 708 of the Defense Production Act of 1950 (hereinafter called the "act") and of section 701 of Executive Order No. 10161, the Board of Governors of the Federal Reserve System consulted with representatives of financing with a view to encouraging the making of voluntary agreements and programs to further the objectives of the act. As a result of such consultations, such representatives prepared a "Program for Voluntary Credit Restraint," including as a part thereof a Statement of Principles.

The Board of Governors approved the Program and subsequently approved certain amendments to it, and the Board found the Program as thus amended to be in the public interest as contributing to the national defense. In accordance with the request contained in the letter sent by the President to the Director of Defense Mobilization on March 24, 1952, an amendment to the Program to make it inapplicable to the financing of State or local governments has now been suggested by the Voluntary Credit Restraint Committee created under the Program. The Board of Governors of the Federal Reserve System hereby approves this amendment to the Program, approves the Program, as thus amended, and finds the Program as thus amended to be in the public interest as contributing to the national defense. The Program as thus amended, which is hereinafter referred to as the "Program", is attached hereto.

Under section 708 of the said act and section 701 of the said order, acts or omissions to act pursuant to this Request and the Program which occur while said section 708 is in effect and before the withdrawal of this Request or of the finding of the Board referred to in the preceding paragraph are not construed to be within the prohibitions of the antitrust laws or of the Federal Trade Commission Act of the United States.

The Board of Governors of the Federal Reserve System has consulted with the Attorney General and with the Chairman of the Federal Trade Commission on April 1, 1952, said date being not less than ten days before the date of this Request, with regard to the provisions of the Program, the finding by the Board above mentioned, and this Request; and the Attorney General has approved this Request.

Every financing institution in the United States is hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program. The Voluntary Credit Restraint Committee created pursuant to the provisions of the Program, each and every subcommittee created or to be created pursuant to the provisions of the Program, and each and every individual who is or may become a member of the Voluntary Credit Restraint Committee or of any of said subcommittees are hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program.

By order of the Board of Governors of the Federal Reserve System the 17th day of April, 1952.

[SEAL] S. R. CARPENTER,
Secretary.

PROGRAM FOR VOLUNTARY CREDIT RESTRAINT AS AMENDED TO APRIL 17, 1952

PREAMBLE

The task of restraining strong inflationary pressures is one of the most difficult and most important in the whole range of economic problems today.

One part of this task—the restraint of unnecessary credit expansion—presents a challenge to the financing institutions throughout the nation.

Section 708 of the Defense Production Act of 1950 authorizes the President to encourage financing institutions to enter into voluntary agreements and programs to restrain credit, which will further the objectives of that Act. By executive order, the President has delegated to the Board of Governors of the Federal Reserve System his authority with respect to financing under this section of the Act upon the required condition that it consult with the Attorney General and with the Chairman of the Federal Trade Commission, and that it obtain the approval of the Attorney General before requesting actions under such voluntary agreements and programs.

At the invitation of the Board, and in company with it, representatives of the American Bankers Association, the Life Insurance Association of America and the Investment Bankers Association of America have been examining the possibilities of this method of credit restraint.

While it is recognized that the proposed Program is addressed only to one limited source of inflationary pressure, the vital importance of this problem to the stability of the economy, and the necessity to extend credit only in such a way as to restrain inflationary pressures outside the financing of the Defense Program should be emphasized to all financing institutions.

It is appropriate to point out that this Program of voluntary credit restraint does not have to do with such factors as inflationary lending by federal agencies, unnecessary spending, federal, state or local, and the wage-price spiral and other much more seriously contributing factors. These should be vigorously dealt with at the proper places. It assumes that the proper governmental authorities will exercise the requisite fiscal and monetary controls.

DEFINITIONS

As used herein:

The terms "financing institution" or "financing institutions" mean banks, life insurance companies, investment bankers engaged in the underwriting, distribution, dealing or participating, as agents or otherwise, in the offering, purchase or sale of securities, and such other types or groups of financial institutions as the Board of Governors of the Federal Reserve System may invite to participate in the Program.

The terms "loan," "loans," "lending" and "credit," in addition to their ordinary con-

notations, mean the supplying of funds through the underwriting and distribution of securities (either on a firm commitment, agency or "best efforts" basis), the making or assisting in the making of direct placements, or otherwise participating in the offering or distribution of securities.

STATEMENT OF PRINCIPLES

Pursuant to the provisions of Section 708 (a) of the Defense Production Act of 1950, and with the approval of the Board of Governors of the Federal Reserve System in accordance with the functions delegated to it by Section 701 (a) (2) of Executive Order 10161, this Statement of Principles has been drafted to which all financing institutions are asked to conform.

It shall be the purpose of financing institutions to extend credit in such a way as to help maintain and increase the strength of the domestic economy through the restraint of inflationary tendencies and at the same time to help finance the defense program and the essential needs of agriculture, industry and commerce.

Inflation may be defined as a condition in which the effective demand for goods and services exceeds the available supply, thus exerting an upward pressure on prices.

Any increase in lending at a more rapid rate than production can be increased exerts an inflationary influence. Under present conditions of very high employment of labor, materials and equipment, the extension of loans to finance increased output will have an initial inflationary effect; but loans which ultimately result in a commensurate increase in production of an essential nature are not inflationary in the long run whatever their temporary effect may be. It is most important, however, that loans for nonessential purposes be curtailed in order to release some of the nation's resources for expansion in more vital areas of production.

Cooperation with this program of credit restraint makes it increasingly necessary for financing institutions to screen loan applications on the basis of their purpose, in addition to the usual tests of credit worthiness. The criterion for sound lending in a period of inflationary danger boils down to the following: Does it commensurately increase or maintain production, processing and distribution of essential goods and services?

In interpretation of the foregoing, the following types of loans would be classified as proper:

1. Loans for defense production, direct or indirect, including fuel, power and transportation.

2. Loans for the production, processing and orderly distribution of agricultural and other staple products, including export and import as well as domestic, and of goods and services supplying the essential day-to-day needs of the country.

3. Loans to augment working capital where higher wages and prices of materials make such loans necessary to sustain essential production, processing or distribution services.

4. Loans to securities dealers in the normal conduct of their business or to them or others incidental to the flotation and distribution of securities where the money is being raised for any of the foregoing purposes.

This Program would not seek to restrict loans guaranteed or insured, or authorized as to purpose by a Government agency, on the theory that they should be restricted, in accordance with national policy, at the source of guaranty or authorization.[1] Financing institutions would not be restricted in honoring previous commitments.

The following are types of loans which in general financing institutions should not make under present conditions, unless modified by the circumstances of the particular loan so as not to be inconsistent with the principles of this program:

1. Loans to retire or acquire corporate equities in the hands of the public, including loans for the acquisition of existing companies or plants where no over-all increase of production would result.

2. Loans for speculative investments or purchases. The first test of speculation is whether the purchase is for any purpose other than use or distribution in the normal course of the borrower's business. The second test is whether the amounts involved are disproportionate to the borrower's normal business operations.[2] This would include speculative expansion of real estate holdings or plant facilities as well as speculative accumulation of inventories in expectation of resale instead of use.

The foregoing principles should be applied in screening as to purpose on all loans on securities not covered by Regulations U or T.

* * * * *

Recognizing that the maximum estimate of the percentage of our 1951 production which will be devoted directly or indirectly to national defense is between 20 percent and 30 percent, a very substantial proportion of the lending of the country will be devoted to the financing of the production and growth of our industrial and commercial community. In these circumstances, it is felt that each financing institution can help accomplish the objectives outlined above by careful screening of each application for credit extension.

In carrying out such screening, financing institutions should not only observe the letter of the existing regulations of the Board of Governors of the Federal Reserve System with respect to real estate credit, consumer credit, security loans, etc., but should also apply to all their lending the spirit of these and such other regulations and guiding principles as the Government may from time to time announce in the fight against inflation.

This Program is necessarily very general in nature. It is a voluntary program to aid in the over-all efforts to restrain inflation. To be helpful, this Program must rely on the good will of all financing institutions and the over-all intention to comply with its spirit.

PROCEDURE FOR IMPLEMENTING THE PROGRAM

Pursuant to the provisions of section 708 (b) and (c) of the Defense Production Act of 1950, and upon full compliance with the terms and conditions thereof:

1. A "Voluntary Credit Restraint Committee" (hereinafter referred to as "the Committee") will be appointed by the Board of Governors of the Federal Reserve System (hereinafter referred to as "the Board"). Members shall be appointed for such terms as the Board may prescribe. Initially, the Committee will consist of twelve members, four representing the life insurance companies, four representing the investment bankers, and four representing the banks. The membership of the Committee may from time to time be expanded as deemed advisable or appropriate by the Board to insure adequate representation thereon of other types or groups of financing institutions which may participate in the Program. The Board may appoint one or more alternates from each group to serve on the Committee in case of the absence of a member or members of the Committee representing such group. In selecting and appointing the members of the Committee and alternates, the Board shall have due regard to fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. The Committee will:

(a) With such assistance from the Board and the Federal Reserve Banks as may be necessary, distribute this statement of the Program, including the Statement of Principles, to financing institutions to such extent as may be deemed desirable in view of any distribution previously made;

(b) Appoint the subcommittees referred to below in 2;

(c) Meet for the purpose of considering the functioning of the Program, advising the Board with respect thereto, and suggesting for the consideration of the Board such changes in the Program, including the Statement of Principles, as may from time to time appear appropriate. Meetings of the Committee shall be held at the call of an official of the Federal Reserve System, designated by the Board; shall be under the chairmanship of such an official; and an agenda for such meetings shall be prepared by such an official. Full and complete minutes of each meeting shall be made by such an official and copies shall be kept in the files of the Board available for public inspection.

(d) Issue bulletins or memoranda from time to time to the subcommittees or to financing institutions regarding general matters relating to the Program and related credit problems, including statements implementing or clarifying the Statement of Principles, and describing the types of credits which, in the Committee's opinion, should or should not be regarded as proper under the terms of the Program.

(e) Request the chairman of the Committee to designate an employee of the Board of Governors to serve as secretary. Such secretary, in consultation with the chairman of the Committee, is authorized to conduct correspondence on behalf of the Committee in conformity with actions taken by the Committee within the scope of the Program.

2. Subcommittees may be established for each type of financing institution participating in the Program. One of the members of each subcommittee located in any city in which there is a Federal Reserve Bank or branch thereof will be a Federal Reserve representative designated by the Board of Governors of the Federal Reserve System or by such Federal Reserve Bank or branch; and such member shall attend each meeting of the subcommittee. For the investment bankers, the life insurance companies, and the banks there may in each case be one or more subcommittees organized. All such subcommittees will meet only for the purposes specified in the Program; will maintain records of their actions; and will make reports directly to the Committee regarding the actions taken by them, including statements of the types of cases considered and the nature of the advice given. The subcommittees will be available for consultation with individual financing institutions to assist them in determining the application of the Statement of Principles with respect to specific loans for which application has been made to such financing institutions. In consulting with a subcommittee, a financing institution shall not be required to disclose the identity of the applicant for any loan. No financing institution shall be required to consult with any subcommittee with respect to any loan or loans, or any application or applications therefor. Consultation with a subcommittee shall be wholly within the individual and independent discretion of a financing institution. The final decision with respect to making or refusing to make any particular loan or loans shall likewise remain wholly within the individual and independent discretion of each financing in-

[1] In accordance with the request of the President transmitted to the Defense Mobilization Director on March 24, 1952, the Program will not seek to restrict, and will not apply to, the financing of or loans to States or local governments including counties, municipalities, districts or other political subdivisions.

[2] Loans additional to those needed for a borrower's normal business may, of course, be regarded as proper when they are for the purpose of defense production or otherwise conform to the types of loans listed as proper in this Statement of Principles.

stitution, whether or not it has consulted with any of the subcommittees.

In setting up the subcommittees, the Committee shall have due regard for fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. It shall also inform the Board of all subcommittee appointments.

The chairman of each subcommittee will be designated by the Committee and in the absence of such chairman, the subcommittee may elect an acting chairman from among its members. The Committee may appoint one or more alternates to serve at the request of the chairman of a subcommittee in case of the absence of a member or members of the subcommittee. The Federal Reserve Bank or branch, as the case may be, may provide an alternate to the subcommittee member designated by it whenever necessary. Each subcommittee may appoint a secretary who may be a member of the subcommittee or otherwise, and he may conduct correspondence on behalf of the subcommittee in conformity with actions taken by the subcommittee within the scope of the Program.

3. The Committee shall be furnished with such compilations of statistical data on extension of credit by financing institutions as may be required to show the amounts and direction of credit use and to watch the operation of the Program. Such statistics shall be compiled by the Board. To assist the Board in making such compilations, data shall be supplied for the investment bankers, jointly by the Investment Bankers Association and the National Association of Securities Dealers, and for the life insurance companies, jointly by the Life Insurance Association of America and the American Life Convention. Compilations of data made by the Board shall not reveal the identity of individual financing institutions or borrowers. Such compilations shall be kept on file with the Board and shall be available for public inspection.

4. Financing institutions participating in the Program will keep records of individual loans, as to purpose, in such form as to be available for future analysis.

5. Any change in the Program, including the Statement of Principles, shall be passed upon by the Committee and shall be made in accordance with the requirements of section 708 of the Defense Production Act of 1950.

All actions pursuant to and under the Program will be automatically terminated by all participating financing institutions as of the termination of the authority conferred under section 708 of the Defense Production Act of 1950; or upon withdrawal by the Board of its request for action under the Program. If the Committee, after study of the operation of the Program, concludes that it is no longer necessary or is not making a substantial contribution to the solution of the problem for which the Program was established, it shall so advise the Board.

S. R. Carpenter,
Secretary.

[F. R. Doc. 52-4595; Filed, Apr. 23, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2627]

Consolidated Natural Gas Co.

NOTICE REGARDING PROPOSED AMENDMENT TO CHARTER TO INCREASE AUTHORIZED CAPITAL STOCK; AND ISSUANCE AND SALE OF SUCH ADDITIONAL CAPITAL STOCK

April 18, 1952.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), by Consolidated Natural Gas Company ("Consolidated"), a registered holding company.

Notice is further given that any interested person may, not later than May 5, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 5, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Consolidated proposes, at the forthcoming annual meeting of its stockholders to be held on May 20, 1952, to submit to the stockholders, among other things, a proposal to amend the charter of Consolidated so as to increase the number of authorized shares of capital stock from 3,274,031 shares to 3,683,285 shares, an increase of 409,254 shares.

If the increase in authorized capital stock is approved by the stockholders, Consolidated intends that the 409,254 additional shares be offered pro rata to holders of its outstanding capital stock on the basis of one additional share for each eight shares outstanding. The record date and the subscription price would be fixed by the Board of Directors subsequent to the annual meeting. Each stockholder would receive one right for each share of stock held at the close of business on the record date and eight rights would be required to subscribe for an additional share. Fractional shares would not be issued, but rights could be combined with other rights to form the basis for a subscription for a full share. Stockholders who subscribe for their pro rata part would also have the privilege to subscribe, on a pro rata basis, for any additional shares not covered by primary subscriptions.

Consolidated states that the proceeds from the sale of additional capital stock would be added to its general funds and, along with other cash resources, would be used for the purchase of securities of its operating subsidiaries which, in turn, would use the funds received, together with other corporate funds, for the construction of additional plant facilities and for other corporate purposes.

The declaration states that the principal fee in connection with the issuance and sale will be that of the Subscription Agent. After receiving bids from several large New York banks which customarily engage in performing such services, Consolidated selected The Hanover Bank, 70 Broadway, New York, New York, to be its Subscription Agent. The declaration states that The Hanover Bank submitted the lowest maximum fee, its proposal specifying a maximum fee of $75,000.

Consolidated has requested that the Commission issue its order permitting the declaration to become effective with respect to the amendment to the charter no later than May 15, 1952, and that the Commission's order permitting the declaration to become effective with respect to the issuance and sale of additional capital stock be issued on May 27, 1952.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 52-4599; Filed, Apr. 23, 1952; 8:50 a. m.]

[File No. 70-2846]

Central Maine Power Co.

ORDER GRANTING AUTHORITY TO INCREASE AUTHORIZED CAPITAL STOCK, TO AMEND BY-LAWS BY CHANGING QUORUM REQUIREMENTS AND BY PROVIDING FOR CUMULATIVE VOTING; AND TO SOLICIT STOCKHOLDERS

April 18, 1952.

Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-60, U-61, U-62 and U-65 promulgated thereunder, with respect to the following proposed transactions:

Central Maine proposes to increase the authorized capital stock of the company by (1) increasing the number of shares of Common Stock, $10 par value, from 2,500,000 to 3,250,000 and (2) increasing the number of shares of Preferred Stock, $100 par value, from 300,000 to 330,000.

Central Maine further proposes to amend its By-Laws as follows:

(1) To change the requirement for a quorum at stockholders' meetings from a representation of one-third of the total votes to which the outstanding shares of capital stock of the company of all classes are then entitled to a majority of such votes: *Provided*, That such quorum requirement shall be applicable to stockholders' meetings only when the outstanding preferred stocks of all classes and series are not entitled to vote as a class for the election of a majority of the directors of the company: *And, provided further*, That at stockholders' meetings when the outstanding preferred stocks of all classes and series are entitled to vote for the election of a majority of the directors, the foregoing quorum requirement shall be reduced from a majority of such total votes to one-third of such total votes;

(2) To provide for cumulative voting at elections of directors by the stockholders when and only when the preferred stocks are not entitled to vote as a class for the election of a majority of the full Board of Directors.

Central Maine proposes to solicit the holders of its 6 percent Preferred Stock

and of Common Stock for proxies to be voted at the annual meeting to be held on May 14, 1952, in favor of the above proposals, and has filed the solicitation material as part of the declaration. It is stated that the adoption of the above amendments will require the affirmative vote of a majority of the total votes to which the Common Stock and 6 percent Preferred Stock then outstanding are entitled, and, in addition, with respect to the proposal relating to cumulative voting, the affirmative vote of two-thirds in interest of the company's 6 percent Preferred Stock then outstanding, voting separately as a class. It is represented that New England Public Service Company, holder of 42.3 percent of the outstanding Common Stock of Central Maine, will vote in favor of the adoption of such amendments.

It is represented that the company may, in addition to solicitation by mail and by regular employees or officers of the company, request banks and brokers to solicit beneficial owners, the cost of which is estimated not to exceed $100. Also, the company will employ Stockholders Relations, Inc., 2 Wall Street, New York City, at a total cost estimated not to exceed $1,000, to secure the favorable two-thirds vote of the 6 percent Preferred Stock required to amend the By-Laws as above set forth.

The declaration states that the increase in the number of shares of authorized capital stock is for the purpose of providing sufficient authorized stock for financing the company's construction program, and that stock may be issued before the 1953 annual meeting.

It is stated that the Public Utilities Commission of Maine has no jurisdiction over the proposed transactions and that legal fees in connection with the proposed transactions will amount to approximately $100. The declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-4602; Filed, Apr. 23, 1952; 8:52 a. m.]

[File No. 812-780]

COMMONWEALTH STOCK FUND, INC., AND NORTH AMERICAN SECURITIES CO.

NOTICE OF APPLICATION

APRIL 18, 1952.

Notice is hereby given that Commonwealth Stock Fund, Inc. (Fund), a registered open-end management investment company and North American Securities Company (Securities), both of San Francisco, California, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting Fund from the provisions of sections 16 (a) and 32 (a), and Securities from the provisions of section 15 (a), until the first annual meeting of stockholders of Fund, scheduled for January 20, 1953, is held.

Section 15 (a) makes it unlawful for a person to act as an investment adviser for a registered investment company except pursuant to a written contract, containing certain specified statutory terms, which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company.

Section 16 (a) requires the directors of a registered investment company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held within 60 days if at any time less than a majority of the directors are so elected by stockholders.

Section 32 (a) requires, among other things, that the selection of an accountant employed by a registered management investment company shall be submitted for ratification or rejection at the next annual meeting of stockholders if such meeting be held.

The application discloses that Fund was organized December 14, 1951, under the laws of the State of Delaware. While Fund has registered under the act and has filed a registration statement under the Securities Act of 1933 covering 250,000 shares of its capital stock it has not yet commenced business operations and it has no stock outstanding. Fund proposes to obtain the $100,000 net worth required by section 14 (a), in accordance with the provisions of subsection (3) thereof, through the sale by Securities of 2,500 shares of Fund's Capital Stock to each of two individuals for an aggregate price of $108,700. Securities will receive $8,700 as a sales commission and Fund will receive a net consideration of $20 per share or a total consideration of $100,000. Thereafter Fund proposes to make a public offering of its shares through Securities as its principal underwriter and it is contemplated that Securities, when permitted by law, will act as an investment adviser of Fund pursuant to a written contract containing the terms specified by section 15 (a) of the act. Fund will also retain the services of John F. Forbes and Company as independent public accountants for the purpose of certifying financial statements to be filed with the Commission.

The by-laws of Fund provide that the annual meeting of stockholders shall be held on the third Tuesday in January each year. Accordingly, the first annual meeting of stockholders of Fund will be held on January 20, 1953. Fund does not propose to call a special meeting of stockholders prior to the date of the first annual meeting for the purpose of stockholder action with respect to: (1) Approval of the contract between Fund and Securities as investment adviser, (2) election of a board of directors of Fund, and (3) ratification or rejection of the selection of John F. Forbes and Company as independent public accountants for Fund. Fund proposes that its stockholders shall act upon such matters at the first annual meeting.

For a more detailed statement of the matters of fact and law asserted all interested persons are referred to said application which is on file in the offices of the Commission at Washington, D. C.

Notice is further given that an order granting the application subject to such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after May 7, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 5, 1952, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-4597; Filed, Apr. 23, 1952; 8:50 a. m.]

[File No. 812-776]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND WILLIAM L. CAMPBELL

NOTICE OF APPLICATION

APRIL 18, 1952.

Notice is hereby given that American Research and Development Corporation ("Research"), a Massachusetts corporation with offices at 200 Berkeley Street, Boston, Massachusetts, and William L. Campbell ("Campbell") filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 requesting an order exempting from section 17 (a) of the act the sale by

Campbell to Research of 3,425 shares of Common Stock and $67,500 principal amount of 6 percent Debentures of Colter Corporation ("Colter") for an aggregate purchase price of $50,000.

Research, a registered, closed-end investment company owns 3,833 shares, or 34.8 percent, of Colter's outstanding Common Stock and $350,000 principal amount of the outstanding $700,000 principal amount of Colter's Debentures, due October 1, 1957, and therefore Colter is an affiliated person of Research within the meaning of section 2 (a) (3) of the act. Campbell, as a director of Colter, owning $67,500 principal amount of its Debentures and, together with members of his family, 3,425 shares, or approximately 31 percent of Colter's 11,000 outstanding shares of Common Stock, is an affiliated person of Colter.

Colter, a Texas corporation with its principal place of business in Palacios, Texas, was organized in 1947 for the purpose of purchasing certain assets of Kroger Corporation of Cincinnati, Ohio, of which Campbell was formerly Vice President in charge of manufacturing. Colter's business consists of a vertically integrated operation including the catching, processing, packaging and wholesale distribution of shrimp, and it holds patents on shrimp "deveining" equipment used in processing. Campbell was instrumental in the creation of Colter and agreed to assume the operating responsibility of the company, becoming president and director and entering into an employment contract with the new company. From its organization through the fiscal years ending December 31, 1950, Colter has had substantial losses as shown by its financial statements filed by Research as exhibits to its annual reports filed with the Commission on Form N-30A-1 for those years. Colter's financial statement for the year ended December 31, 1951, filed with the application discloses that the company had a net deficit in capital of $279,980.26 and a net loss for the year 1951 of $56,920.93, but the application states that the last 6 months of that year had shown a profit.

Campbell resigned as President of Colter in June 1951; but has remained as Chairman of the Board and as a Director and an interested stockholder. The application states that prior to and since Campbell's resignation there has been disagreement between the applicants as to Colter's policies and operations, and that in view of this disagreement and in the absence of any likelihood of their reconciliation, they made an agreement, dated March 18, 1952, whereby Campbell agreed to sell and Research agreed to buy, for the aggregate consideration of $50,000 the aforementioned securities owned by Campbell and his family, subject to an order of the Commission exempting such transaction from the provisions of section 17 (a) of the act.

Campbell purchased from Colter upon organization said 3,425 shares of Colter's stock at $1 per share and during 1947 purchased said Debentures at a discount of 1 percent of their principal amount. Research has valued its Colter Common Stock at $1 since September 30, 1949, and has written down the value of the Debentures from cost ($346,500) to $300,000 as of that date, to $200,000 as of June 30, 1951, and to $175,000 as of December 31, 1951.

The application further states that the terms of the proposed transaction, including the consideration to be paid and received, are fair and reasonable and do not involve over-reaching on the part of any person concerned; and that the transaction is consistent with the policies of Research as recited in its registration statement and its reports filed under the act, and with the general purposes of the act.

Since the proposed transaction involves the sale of securities to a registered investment company (Research) by an affiliated person (Campbell) of an affiliated person (Colter), such transaction is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after May 5, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 2, 1952, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-4598; Filed, Apr. 23, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26984]

CANCELLATION MINIMUM RATES IN CLASS RATE ADJUSTMENT BETWEEN SOUTH AND WEST

APPLICATION FOR RELIEF

APRIL 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3020.

Commodities involved: Class rates subject to ratings in exceptions to classification.

Between: Southern territory and western trunk-line territory.

Grounds for relief: Competition with rail carriers, to maintain grouping, and to maintain higher rates between intermediate points in southern territory.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3020, Supp. 254.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-4613; Filed, Apr. 23, 1952; 8:54 a. m.]

[4th Sec. Application 26985]

PRINTING PAPER FROM KINGSPORT, TENN., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

APRIL 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to his tariff I. C. C. No. 1201.

Commodities involved: Printing paper, other than newsprint, carloads.

From: Kingsport, Tenn.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days

from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-4614; Filed, Apr. 23, 1952; 8:54 a. m.]

[4th Sec. Application 26986]

VARIOUS COMMODITIES BETWEEN POINTS IN CALIFORNIA

APPLICATION FOR RELIEF

APRIL 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for carriers parties to his tariffs I. C. C. Nos. 1305, 1403, 1418, 1430, 1435, 1438, 1448, 1478, 1514, and 1518.

Commodities involved: Various commodities, carloads.

Between: Points in California.

Grounds for relief: To meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-4615; Filed, Apr. 23, 1952; 8:54 a. m.]